THE NATION

SEPTEMBER 17, 1960 . . 25c

MURDER ONE

A Narrative of Justice by Jury

Richard Harris

★★★★★★★★★★★★★

THE NEGRO VOTER

Henry Lee Moon

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LETTERS

Where Goals Begin

Dear Sirs: I read Hans Meyerhoff's article ["The Case of the Missing Purpose," Aug. 20] with great interest. While I agree with much of what he says, I feel that the area where individual purpose and national goals dovetail is not clearly explicated. . . .

To the extent that we realistically examine, evaluate and relate to our immediate world the unknowns along with the knowns, the doubts along with the certainties, can we begin to deal realistically with our world and communicate a meaningfulness to our children about it. This might be considered an individual purpose, but it can be translated readily into a national purpose. The process of reducing as much as possible the distortions of the external world based upon infantile perceptions and conceptions could lead to improved dealing with, and the greater acceptance of, the realities of the international family of nations. The leaders of the communications media who permit or encourage the distortions of information for whatever ends, are doing a serious disservice to the national purpose. When *Life* leads us to believe that a Castro is all bad for the Cubans, or a State Department withholds information of what is really happening in East Germany . . . the process of dealing with the real world is deeply injured. *The Nation* does more in one issue to help deal with the real world than a dozen statements by individuals of national purpose can ever do. . . .

ABRAHAM WODINSKY, M.D.
Pomona, Calif.

Dear Sirs: One sentence in Dr. Meyerhoff's article made his whole effort more or less worth while: "The fact is that there is nothing wrong with prosperity that more prosperity for more people wouldn't cure." If that thought could sink into the consciousness of the exponents of "sacrifice," perhaps "The Case of the Missing Purpose" would solve itself.

JOHN HARVEY
Manistee, Mich.

The Negro Campus

Dear Sirs: Howard Zinn's fine article, "Finishing School For Pickets" [*The Nation*, Aug. 6] deserves cheers from all of us who have long been involved with Higher Education for Negroes. However, I am of the opinion that, although the picketing activities of Spelman students were in the service of a noble cause, these same activities may have been carried on at the expense of legitimate classroom activity. It would be helpful indeed if these picketing energies were used to strenghten and intensify intellectual activities on the Negro college campus. There is a greater need to read more widely, more deeply and more energetically. They need to learn to love learning and apply themselves diligently to the mastery of ideas. Carrying picket signs is good exercise, but reading Great Books can yield greater profit.

ARTHUR C. BANKS, JR.,
(Professor of Political Science,
Morehouse College)
Atlanta, Ga.

The Nation on FM

Readers in the New York area may hear the next installment of *The Nation Commentary* on Sept. 15 at 6:45 P.M. over WBAI-FM (99.5). Henry Lee Moon will talk on "The Negro Voter and the Presidential Election."

The WBAI Program Folio is sent regularly to all subscribers to the station. Write WBAI, New York 16, for a sample Folio and further information.

And In This Corner—

Dear Sirs: Much is being made of the fact that Senator Kennedy (at forty-three) is rather young. It is also being said that Vice President Nixon (at forty-seven) is "mature." The ideal age, then, is (compromising the two) a round forty-five, combining the vigor of youth and the wisdom of age. As the right man for the job (age-wise, at least), I offer myself to the American people (as a write-in), promising them youthful maturity and mature youthfulness, liberal conservatism and conservative liberalism, flexible firmness and firm flexibility, and faith in the knowledge that knowledge of one good faith-saving device deserves another.

HARRY CIMRING (age 45)
Los Angeles, Calif.

Mr. Kennedy's Growth

Dear Sirs: Again and again our journalists keep expressing what appears to amount to an almost pathetic hope that the two Presidential candidates will turn out better than their past performances give us the right to expect. Even *The Nation's* contributors are no exception. Thus, Robert G. Spivack, after properly referring to Kennedy as "a cynical young man," ends his appraisal by saying: "He may grow" [*The Nation*, Aug. 6].

Grow how? or grow what? we ask. Grow a set of principles? of convictions? grow a new integrity on a rank stump of cynicism? A man of forty-three is not necessarily too young to be President,

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NEW YORK, SATURDAY, SEPTEMBER 17, 1960
VOLUME 191, No. 8

THE NATION

EDITORIALS

They Are All an Abomination

Of course the two defecting mathematicians of the National Security Agency are exactly what the President called them — "self-confessed traitors." They are also turncoats, as the Defense Department said, although neither epithet answers the accusations they made against the Defense Department. Everything they have said may be true; certainly a part of it is. But if we credit them with the high moral objective they avow, the way in which they set out to expose the machinations of the Pentagon was precisely calculated to defeat their purpose. They have simply changed sides in the cold war, and what the world, including the United States and the Soviet Union, desperately needs is a reduction of tensions, not the build-up of animosity and recrimination which follows every major defection on either side.

By way of contrast, does anyone remember Carl von Ossietzky? Ossietzky was a Junker Colonel who fought bravely on the German side in World War I. After the war he became a pacifist and carried on pacifist propaganda. When Hitler came to power, he had a chance to emigrate. He refused. "A man speaks with a hollow voice from beyond the border," he said. He was thrown into a concentration camp and martyred. Toward the end of his life he was awarded, but never received, the Nobel Peace Prize.

If Bernon F. Mitchell and William H. Martin really wanted to serve their country and mankind, they could have resigned and made their revelations on American soil. Subsequently, they undoubtedly would have been seized and imprisoned. In the event that they failed to find a newspaper that would publish their story — the United States is not as open a society as it purports to be — they could have gone to the United Nations, given their data to the Russian delegate, and surrendered themselves to the FBI. Or, if they had no stomach for a prison term, they could have resigned, kept their mouths shut, and taught mathematics to college sophomores. In the course they selected there was little efficacy and no honor.

There is one more thing to be said, however. The United States may or may not be the strongest nation militarily, but it is as self-righteous and as hidebound in its propaganda as the worst of its opponents. When a Russian defects, he is honored here as a friend of freedom, any blather he cares to emit is solemnly publicized by Congressional committees, he forthwith becomes a publishable author, and is welcomed to American citizenship. The Soviet turncoat does have the excuse that he could not hope to get publicity for his dissent in his own country, but when he chooses to defect to the United States, where the fleshpots and the night clubs are, his motives are probably no better than those of Mitchell and Martin, and there is as much reason for execrating him. Decent men will abhor them all alike, whether they come from East or West.

The Peerless Candidates

When the voters march to the polls on Election Day (something approaching half of them stay home), they are exercising the most sacred secular privilege known to man. However, the occasion is somewhat marred if they don't know what they are voting for. So far, the Presidential candidates have given them little enlightenment and not much of an example of deportment, either. Senator Kennedy has been appealing to special-interest groups like any huckster, cracking down on Castro as if he were trying to outdo Secretary Herter and the old Latin-American hands in the State Department and, while piously invoking peace, promising the Veterans of Foreign Wars that he would deal with Khrushchev from a position of greater strength than Dean Acheson ever did. As for Nixon, he was temporarily silenced by his bad knee, but now that he has recovered it is doubtful whether he will add much to the edification of those voters who are eager to know where he stands on the issues which fever the world. Secretary Arthur S. Flemming of the Department of Health, Education and Welfare complained that Mr. Kennedy had "distorted" Mr. Nixon's views on some topics dear to Mr. Flemming's heart. Perhaps so, but, on Mr. Nixon's record, it is doubtful whether anything he says could be distorted much beyond the point to which the Vice President himself has already distorted it in his efforts to get something for nothing.

One never knows what will happen in a campaign, but the general shape of this one can be forecast. In 1956, one of the candidates raised several important issues and gave his views in a forthright and even lit-

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erary manner. The voters turned him down, but at least he made the campaign respectable. It is doubtful whether any equivalent meeting of the minds will take place this time. Both candidates will say that the old concepts will not do, but neither will offer any really new concepts which might alienate some bloc of voters. Both candidates will view with alarm. It may be predicted that each candidate will discreetly exploit the beauty, charm and vivacity of his wife, children and dogs. In one respect, the campaign will be a novel one, since Mrs. Kennedy is pregnant. Some chivalrous Americans, and a certain number of *enceinté* ones, may vote for Mr. Kennedy on that account, but it is to be hoped that he will give the less sentimental voters more to chew on than has been the case so far.

Corporate Heroism

President Eisenhower has said that under present conditions war would be the ultimate disaster. Both Vice President Nixon and Senator Kennedy have made statements to the same effect. It may be said that they are cadging votes, as indeed they are, but this is a relatively decent way of cadging them, and the fact that no politician can get very far with a forthright belligerent policy is a good sign. But the inhibitions on madness masquerading as patriotism do not apply to generals and admirals, commanders of veterans' organizations, some sections of the clergy—and certain corporations. Among the bravest warriors on the advertising front is the firm of Warner & Swasey, manufacturers of machine tools and other equipment. Their full-page exhortation in the September 12 *Newsweek* begins: "'Yes, there is something worse than an atom bomb . . . the abject fear of it." Other pearls of intellect follow: "Fear of Russia's nuclear bombs and missiles has turned too many Americans into cowards and appeasers. They cry that anything would be better than atomic death. . . . Would it?—would slavery?" And, of course, they quote Patrick Henry.

Where has the advertising agency of the embattled manufacturers of lathes and milling machines discovered this widespread sapping of the American spirit? It seems to have escaped the notice of observers perhaps better qualified. The relevance of the invocation is even less clear. Patrick Henry called for resistance to tyranny with muskets, cannon and swords on land and sea. In the ensuing conflict, less than 5,000 Americans lost their lives. After the Revolution, the country prospered. The situation in which the United States now finds itself is that another full-scale world war may destroy the human race. Everyone who takes cognizance of this stark and incontrovertible fact and tries to avert the catastrophe is labeled a coward and appeaser by our Warners and Swaseys. In these obsessed minds, only the warmakers are blessed.

Labor, the Public and Automation

Labor Day, this year, was marked by the occurrence of a strike which may well foreshadow the typical industrial disputes of the 1960s. Two unions, the Transport Workers Union and System Federation 152, representing 20,000 transport maintenance workers, have halted operations on the Pennsylvania Railroad for the first time in 114 years. There have been few strikes on the Pennsylvania for the simple reason that any interruption of service on this vital system raises a great hue and cry from thousands of commuters as well as multitudes of general passengers who are carried by the road throughout its 10,000 mile, thirteen-state system. It is not surprising, therefore, that the public's reaction to the current strike has been anything but cordial. Moreover, the nature of the strike — about work rules — is such that the public finds it difficult to grasp the issues or to excuse what appears to be an unjustified public inconvenience. The unions have added to the public's irritation by rejecting proposals for arbitration before a special referee and again before a Presidential board; work rules, the unions insist, are not subject to arbitration. And the press, by and large, reflects the public's sense of outrage: "It's Labor's Duty to Break Mike Quill" — "Too Much Power for One Man," comments the New York *Herald Tribune*.

But labor cannot break Mike Quill for his stand in this dispute, nor is the source of the trouble to be found in the power which he possesses — however great that power may be. The fact is that arbitration and mediation, as devices for the settlement of industrial disputes, work fairly well when wages are the major issue. But work rules raise questions of a different order of magnitude: whether particular groups of workers are to have jobs or not. Jobs are dropping on the Pennsylvania as on other roads; in the last ten years the number of employees on the system has declined from 124,000 to 74,000, and it is certain to decline still further. From labor's point of view, what is there to arbitrate in such a situation? In fact, labor and management alone cannot settle such disputes satisfactorily or permanently; the issues concern the operation of the entire economy. What is needed is a national policy, evolved in consultation with labor and management, on the problems to which automation gives rise. In default of such a policy, unions cannot be blamed for striking over issues which their officials admit cannot be settled through arbitration.

What Disaster?

Now that the Olympics are over, it may be worth while to review the games not from the standpoint of who won this or who lost that, but for the light they throw on American national psychology, or at least the

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version which is served up by the mass media. It is a strange mixture of traditional good sense and fortitude, and perennial childishness. In the first week of competition, the U.S. men's track and field team competed in eleven events and lost eight. John Thomas, holder of the world's record of 7 feet, 3¾ inches and "sure winner" of the high jump, was able to get up to only 7 feet and ¼ inch and lost to two Russians. "Disaster at Rome," was *Newsweek's* headline, with a quote from *Il Messaggero* ("The myth of American sprinters has fallen").

The American athletes denied that they had been looking on the wine when it was red, but that there was disunity at this stage seems to have been established. "There's no team spirit," Rink Babka, a discus thrower, said. "No one gives a damn for anybody else." The three American shot putters, O'Brien, Nieder and Long, were said to have been "feuding" all year. After four of six throws, Nieder, the favorite, was third. He knew he was doing something wrong, but he didn't know what. He turned to the German shot putter, who told him without hesitation that he was not extending his arm all the way before releasing the 16-pound ball. Nieder took the advice and won. "I couldn't have asked one of my own teammates," Nieder said later. "He wouldn't have told me." "Why should I tell him?" Long is quoted as saying. "I want a gold medal, too."

John Thomas got only a third-place medal, but his was the best crack of the games. "A lot of people in the world can't jump seven feet," he remarked.

The next most sapient observation came from Oscar Frailey, the Games correspondent of the *Rocky Mountain News*. Now, he said, "Europe is as well fed as we are." And we have been sending coaches and athletes abroad for years for good will. So: "Now every other country can produce world record breakers too, and our joy ride is over."

Probably the best photograph of the Games was in *Life* (September 12). Three American sprinters are leaving the field after losing the 100-meter dash to a German. All three are very handsome young men. On the left is a Negro, Frank Budd, still gasping, his head hanging. In the middle walks Dave Sime, a white boy, a picture of disappointment. On his right, Ray Norton, another Negro, is clinging with both hands to Sime's arm and weeping on his teammate's shoulder. The three men are perhaps closer in defeat than they would have been in victory. There is no lack of American solidarity there, and no disaster. Along the same line, the Governor of Tennessee cabled Wilma Rudolph, the fifth of nineteen children of poor parents (the father married twice) and the only U.S. woman ever to win three gold medals: "Come home, Wilma!" They may even let her sit at a lunch counter one of these days.

A NARRATIVE OF JUSTICE BY JURY

MURDER ONE . . *by Richard Harris*

The following is a report in depth of a "routine" New York murder case. The crime was tawdry; the two defendants are among the more obscure of the anonymous millions who make up the city's masses. The man they were charged with having murdered was equally obscure. Yet the case is as instructive in the ways of American justice as any famous trial; indeed, in some ways more instructive. The Saccos, Vanzettis, Hisses enter our courts once or twice in a generation; the Nobles (despite the special qualities displayed by this particular Noble) are the courts' daily fodder.

The author is a free-lance writer.—ED.

LIKE MOST criminal tribunals today, Kings County Court Part II — one of five such courts having jurisdiction over major crimes committed in the sprawling, hazardous community of Brooklyn — has an atmosphere of harried and foreboding expectancy. At least, that's the way it struck me when I arrived there one morning some time ago shortly before a murder trial that I was interested in got under way. At the time, the presiding judge of the County Court system, Nathan R. Sobel, a vigorous, rather impatient man in his mid-fifties with wavy black hair and horn-rimmed spectacles, was conducting a few arraignments before going on to the trial.

Periodically, a door behind the jury box opened and a uniformed court attendant led in one or more handcuffed prisoners — Negroes, for the most part — who had either been refused bail or had failed to raise it. Not long after I sat down, a bald, snub-nosed attorney approached three young colored men who had just been escorted to some chairs a foot or two in front of me. Thrusting a stubby forefinger in each of their faces in turn, he demanded, "Will you take a plea? Will *you* take a plea? Will *you* take a plea?" The response was three bewildered looks. He was asking whether they would plead guilty if the District Attorney's office offered them lesser charges than the original ones.

This is standard procedure — as long as the public isn't clamoring for a malefactor's hide — and while it serves, often dubiously, to assure the D.A. of another conviction for the record and to lighten both his

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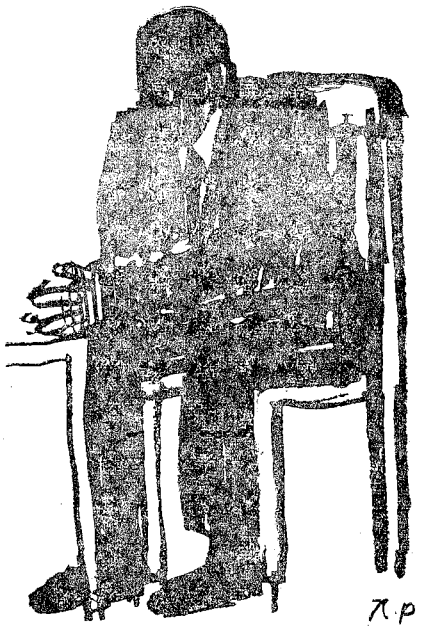
and the court's immense caseloads, it is still a fairly humane way out of an impossibly overburdened situation. However, it is also easily abused. For one thing, any D.A. who has a deal in mind is obviously going to be tempted to charge a defendant with a higher degree than he intends to settle for. For another, lawyers handling ignorant, helpless people who have run afoul of the law are in a position to give them what is known in the trade as a shave and a haircut; that is, once the attorney has his fee — usually paid by strapped relatives or, when they are too strapped, by the court — he talks his client, guilty *or* innocent, into taking anything the D.A. will offer.

A couple of minutes later, I began to wonder if the three men nearby were getting shaves and haircuts, for just then the lawyer stopped a passing colleague and said, "You take one of these, and I'll take the other two." The newcomer shrugged. "I don't know anything about the case," he said. "You don't have to!" the first one snapped. At that point, Judge Sobel waved a hand in exasperation at still another lawyer who was standing with a slight Puerto Rican youth before the bench. "Don't tell me you want this tried six weeks from now," the Judge said. "You know perfectly well it won't be called this year. You know perfectly well that I have five times as many cases as I can possibly handle."

THE MURDER case that I was there to see tried had been on the calendar of Part II for over nine months. It had first come to my attention when I ran across this story in *The New York Times*:

> A practical nurse who is said to have paid to have her husband murdered and the man accused of doing the job were arrested on homicide charges yesterday [April 18, 1959] in Brooklyn.
>
> The police said Mrs. Ella Barber, 28 years old, of 1973 Eighty-first Street, had arranged to pay $300 for the slaying to James Noble, 30, an orderly who lives and works at the Haym Solomon Home for the Aged, 2300 Cropsey Avenue.
>
> The police said Mrs. Barber, who also works at the Home, had complained that her husband Ernest,



38, was unduly jealous. The murder took place early Saturday morning, when, according to the police, Noble climbed in a window and stabbed [Barber] seven times.

Although the notion of hiring someone else to do one's ultimate dirty work is by no means a new one, it has become increasingly popular since the disclosures a decade ago about Murder Incorporated's thriving business in Brooklyn during the thirties and forties. However, as I recalled the various unincorporated examples since then, I realized that they had been limited, for the most part, to people who were accustomed to buying their way around; on this ground, a practical nurse scarcely sounded like the assassin-employing sort, and an orderly who to all appearances was a rank amateur at killing seemed like a most improbable prospect for the job. Curious about what had brought these people to this pass — if, indeed, anything had — I went to the hearing ten days later at Kings County Felony Court which, like Part II, is in the Central Courts Building, in the Borough Hall section of Brooklyn.

Once there, I found to my surprise that the hired killer as a final resort was an idea that had perhaps crossed not only class but racial barriers, for the principals in the case were Negroes. Ella Barber, an attractive, copper-skinned woman with a curly, bouffant hairdo, wide-set eyes and high cheekbones, appeared, in view of the circumstances, remarkably sedate. On the other hand, Noble, six feet two inches tall and weighing a hundred and thirty pounds, seemed rather shaken as he stood, silently intent, before the magistrate's bench with his long, bony hands clasped behind him and his narrow, rounded shoulders hunched up almost to his dark, small-featured face. Dressed in a black suit, he looked to me more like an Adventist preacher than someone who was equal to crawling through a window in the dead of night and stabbing a man.

At the end of the hearing, the accused pair were held over for the grand jury's consideration. After they had been taken out, I had a brief talk with the lawyer who had been with them at the bench, a slender, dark-haired, polite man in his early forties named Leonard Kaplan. He told me that he had been retained by Mrs. Barber's mother, and that for the time being he was also representing Noble who, since he could not afford an attorney (he earned only $80 a month plus room and board at the Home), would soon have counsel assigned by the County Court.

AS WE LEFT the courtroom, I remarked on Noble's appearance, and Kaplan nodded. "He's as strange as he looks, too," he said. "He's been in several correctional institutions in the state, including Matteawan, which is for the criminal insane. But even so, he's smart — and as glib as they come." I asked Kaplan when he thought the trial would be held. "Oh, it probably won't come to that," he answered. "Right now, the charge against both of them is murder one — murder in the first degree. In a common-law, premeditated murder like this one is claimed to be, if they're convicted, the electric chair is mandatory. But the D.A. will undoubtedly offer them murder two—twenty years to life. The chances are they'll take it."

However, nine months later Kaplan called me and reported that to his, and everyone else's, surprise Ella and Noble, though duly offered a charge of murder in the second degree, had independently refused to

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take a plea, saying that they were innocent. "The trial starts tomorrow morning," Kaplan went on. "We picked the jury this afternoon — an all-white, all-male, blue-ribbon jury, which means that the jurors' stations in life are somewhat above average and, of course, that they're willing to send a person to the death house if they feel it's necessary." The defense set-up had been altered since I last saw him, he went on, and explained that Mrs. Barber's mother had backed out, financially speaking, which had obliged one of the County Court judges to assign counsel for Ella as well as for Noble. In view of his having been in on the case from the beginning, he had been chosen to lead her defense with two assistants, while three other lawyers had been appointed to take care of Noble. "Noble's defense will be handled by Maurice Edelbaum, who is one of the top criminal lawyers in the state," he said. "And all the rest of the men involved have good names and big practices, too. There's no question that Ella and Noble will get a great deal more than just adequate defense."

HALF AN HOUR after I reached court the next day, Judge Sobel left the bench and retired to chambers to wait for the participants in the Barber-Noble case to be assembled. Presently, two of them arrived together — Kaplan and a portly, self-assured man in his mid-fifties who had a fringe of dark-gray hair, a penetrating voice and William McKinley's face, and who turned out to be Edelbaum. Kaplan introduced us and then went on to say that Edelbaum had changed Nobel's plea from a simple Not Guilty to Not Guilty with a Specification of Insanity. Nodding, Edelbaum said to me, "That means he didn't do it, and even if he did it, he's not responsible for his acts. He isn't, either. That boy's as nutty as he can be."

A couple of minutes later, I met Edelbaum's co-assignees — William Leibowitz, a stiffly erect, gray-haired man of about sixty; and Joseph Fontana, who was perhaps twenty years younger. Soon afterward, we were joined by another of Ella's attorneys, Aaron Silver, a boyish-looking, cheerful man of around forty. (The sixth defense lawyer showed up briefly a couple of times, and then disappeared altogether.) After chatting for a few minutes with this legal battery, I got the impression that no one was overly concerned that their clients would be condemned to death, and when I mentioned this to Kaplan a little later, he assured me that such an outcome was highly unlikely. The main factor in favor of the defense, he explained, was that Judge Sobel had been on the bench for eighteen years, had tried a hundred and sixty-four murder cases, and had yet to sentence anyone to death.

By this time, the Assistant District Attorney who was trying the case had arrived — a rather aggrieved-looking man in his fifties named Nathan Schor, who had wavy black hair, heavy black eyebrows, and thick black-rimmed spectacles. He had taken his seat at a table near the jury box, while the defense lawyers had arranged themselves at one closer to the center of the room. Before long, the door behind the jury box opened, and the jurors filed in and quietly took their seats. Ranging in age from the mid-thirties to the mid-sixties, they were all modestly dressed and properly somber-acting. Finding a note that Kaplan had given me earlier, I saw that they were pretty much what they looked like — a bank inspector, a lithographer, a cement salesman, a radio technician, a haberdasher, a bank teller, a radium technician, a bank clerk, a Western Union branch manager, a supervisor of an American Tobacco Company warehouse and two engineers.

Finally, the defendants were brought in through the same door. Ella walked steadily around behind the jury to a chair between Kaplan and Silver and, smiling at each in turn, sat down. Noble took a seat next to Edelbaum, who turned to him and said, "Well, how're you feeling this morning, son?" With a flickering smile, Noble ducked his head, mumbled something, and slid down in his chair until he was sitting on his spine; then he stretched his long legs forward so that they stuck out beyond the far side of the table, crossed the right one over the left at the ankle and, placing his long, skinny hands together on the table before him with the thumbs touching and pointing upward, he drew his head down between his shoulders and cocked it to one side. The only variation in this posture during the twelve-day trial was that every few minutes his head would suddenly snap over to the other side.

AT THE outset of the trial, Schor set the jury straight on one matter: Ella and Ernest Barber (who was familiarly known as Bobby) had not been married. Referring to Barber variously as "her paramour," "the decedent" and, when he forgot himself, "her husband," Schor went on to say that the two had been living in sin in a three-room basement apartment, which they were temporarily sharing with a dispossessed friend of Barber's named Sylvester Dunn. At a little before five o'clock on the morning of April 18, 1959, Schor stated, Dunn came home from a night out with friends, circled around as usual through an alley to the rear of 1973 Eighty-first Street and, passing through a door into an outer hallway, went on into an inner one. That was as far as he got, for as soon as he flicked on a light switch beside the door leading to the living room, which he used as a bedroom, he later testified on behalf of the prosecution:

> I found Bobby lying there on the floor in a pool of blood. And I called him. I called "Bobby!" three times. Bobby didn't answer. Then I called Ella. I called her three times. She answered me on the third call. She came out of her bedroom. She kneeled down and started crying, and I said, "'Let's get the police here."

Not having a telephone in the place, they went together by taxi to the nearest police station, the 62nd Precinct, located half a mile away on Bath Avenue. As they started up the steps there, Dunn stopped hesitantly and, facing Ella, asked if she had killed Barber. "Do you think I'm crazy, to kill Bobby?" Ella cried. "I love Bobby."

In the course of that day, Schor continued, Ella was questioned by

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a number of detectives in the quarters of the 62nd Detective Squad, at the top of the station house, and she told them, in all, four stories — that she knew nothing whatever of the murder; that she killed Barber herself; that she had seen an unknown intruder kill him; and, finally, that she had paid Noble to kill him. As for her motive, despite her not being legally bound to Barber she had determined to have him murdered because, as Schor put it, "she hadn't been getting along" with him. "They were continually quarreling," he explained. "On occasion, he would beat her up. He would get drunk." Accordingly, around the first of April, Ella mentioned her unhappy condition to Noble, with whom she was casually friendly, and after they had discussed it on a couple of occasions — abstractly at first, as an example of the folly of one person's being unwilling to part with another who no longer cared for him — Noble got more practical, mentioning that he knew some men who would get rid of Barber for her for $300.

NOTHING came of the offer right then, but by the middle of the month, Schor went on, Ella couldn't stand any more of Barber's abuse. On Friday, the 18th, Ella stopped by to chat with Noble after they had been paid—$203 for two weeks' work, in her case — and said to him, "Take care of that thing tonight." As a down payment, she gave him a hundred dollars — five twenty-dollar bills, according to her confession. Somewhat reluctant to take on the job so hastily, Noble finally pocketed the money and told her to take Barber to the Bay Bar, on Bay 32nd Street, in Brooklyn, that night after she got off work at eleven, to do her best to get him drunk if he were not already, and then to take him home by midnight. He said that he would drop in at the Bay Bar while they were there just to make sure that he had the right man.

All this, Ella claimed in her confession, she had done, and by shortly after midnight, she and Barber were in their bedroom — she still dressed in her nurse's uniform, and he in his undershorts, socks and a sport shirt. She told the police:

> My husband and I were having an argument. Barber went into the kitchen to get something. Noble came through the window, started tussling with him. . . . When it got quiet, I walked out. I talked to Noble. . . . I asked him whether he was dead. He said, "It's finished." He was kicking. He asked me did I want to kick him. . . . I don't know whether I kicked him or not. I started staring at him.

Once the police had this version, Schor continued, they took Noble into custody at the Home at around three o'clock in the afternoon. At first, he denied having anything to do with the murder, but on being confronted with Ella, who told him in detail what she had told the police, he, too, confessed. He had first met Ella at the Home, he explained, and although there had never been anything intimate between them, he felt himself inexplicably attached to her. "She used to come into the kitchen and see me staring out the window," he stated in his confession. "She asked me . . . was it mental dissipation or daydreaming. I told her no, it was constructive contemplation. Anyway, she used to come into the kitchen quite frequently. . . . She told me she understood me." Going on, he recounted how she had described her life with Barber, saying that, besides his drinking and brutality, he carried a switchblade knife and often threatened her with it. When she finally asked Noble to take care of Barber, he continued, he tried to put her off for a time until he could do it properly. "She persisted rather in a passionate manner," he stated. "I was too weak to resist. . . . She was shaking like a leaf. The fellow pulled a knife on her last night. . . . I couldn't stand her going to pieces because some fool was not broad-minded [enough] to let her go. I was doing it — just getting rid of this son of a bitch, his last breath of life."

Once he decided to go ahead, Noble said that he got hold of another man, whom he described simply as a friend. After Ella had fingered Barber at the Bay Bar, where Noble spent half an hour or so playing shuffleboard, he and his accomplice followed them home. In the alley at one side of the basement apartment, the two men took off their shoes and crawled through the kitchen window. From there, they went to Dunn's room, where Noble picked up a folded blanket from the foot of the bed and opened it. A few minutes later, as they waited uncertainly, Barber went into the bathroom and then headed for the kitchen, which he could only reach by passing through the room they were in. As he left the bathroom, Noble recounted, "He made a remark — 'Every damn morning I get up, I am ready to die.' The son of a bitch made this remark." That was too much for Noble. Lunging at Barber, he threw the blanket over his head and stabbed him several times in the neck and once — mortally — on the wrist, severing an artery. Barber fell to the floor, Noble said, and the friend and he began kicking him. "While I was kicking, I uttered some remark — 'You would take advantage of somebody,'" he quoted himself. "I was saying, more or less in essence as a teacher would say, 'You go around taking advantage of frail, helpless women.'"

SINCE NOBLE was the principal figure in the case, the burden of the defense fell largely to Edelbaum. While from the beginning he resorted to a good many rhetorical devices — from deceptively innocent, matter-of-fact questions on through amazed hissing whispers to arm-waving, thunderous indignation — he reserved his real stuff for the police. The first of these to undergo cross-examination was a handsome, gray-haired man in his early forties named Edward Quilty, a detective attached to the 62nd Squad. As he explained, he had been the first to question Ella, beginning at around a quarter to seven on the morning of the crime — after he had gone to the scene to take a look. From then until the early part of the afternoon, he testified, he and several other detectives — among them Lieutenant Victor Kaufman, chief of Brooklyn West Homicide, who was in charge of the case — had questioned

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her until she told her final story. Once Noble was brought in, Quilty continued, another officer was sent to pick up the shoes he said he had worn the night before which he had left at his mother's apartment in Harlem, where he spent the night as he occasionally did. Edelbaum now questioned him:

Q. You were in a room with him and who else?

A. Lieutenant Kaufman.

Q. And Detective Kaufman talked to him?

A. Yes.

Q. How long did he talk to him?

A. Three hours.

"Three hours," Edelbaum repeated, and, after going over some other details, asked:

Q. During those three hours, did you strike the defendant?

A. No.

Q. Did anybody in your presence strike the defendant?

A. No.

Q. Did the defendant say to you he wanted a lawyer?

A. No.

Q. Were you present when the defendant was interrogated by an Assistant District Attorney?

A. Yes.

Digressing briefly again, Edelbaum abruptly turned to the jury a couple of minutes later, and demanded, "How long did that interrogation take place by the District Attorney?"

Thinking for a moment, and then consulting some notes, the detective answered, "It concluded in the neighborhood of ten o'clock."

Q. And he started about what time? [Edelbaum was still facing the jurors.]

A. About a half hour after he got there.

Q. What time would that be, approximately?

A. He got there at eight o'clock P.M.

Q. So would you say he questioned him about an hour and a half?

A. I would say he concluded around ten-fifteen.

Q. And were the questions continuous?

A. Yes.

Q. There were no interruptions? [Edelbaum at last turned to the witness.]

A. No interruptions.

A little later, Lieutenant Kaufman, a balding, middle-aged man with a strikingly casual manner, took the stand and in the course of describing the events during the time he had questioned Noble, said, "I told him that she had made a statement, and I told him he had better tell me what happened."

"He had *better!*" Edelbaum roared. "Or what would happen if he didn't?"

"No, I didn't say that," Kaufman put in hastily. "I didn't say that."

"Didn't you just tell us that he had *better* tell you what happened?" Edelbaum demanded in a quivering voice. "Is that a Freudian slip?"

"No, it is *not* a Freudian slip," Kaufman answered indignantly.

WITH THIS, Edelbaum called his client to the stand. Rising quickly, Noble stalked, with hands clasped behind him, to the witness box and sat down in the same way he had before. A couple of times during his testimony, he sat up sharply and gestured by moving his still-clasped hands jerkily forward and back. Under Edelbaum's questioning, he told a story that varied widely from what had been said up to that point. For one thing, he said, speaking in a very rapid, rather soft, mumbling way, he had been picked up by the police at the Home not in mid-afternoon, but shortly after nine in the morning. For another, everyone in the squad quarters except Quilty had beaten him off and on from about nine-thirty in the morning until six that evening.

Q. Did there come a time when they brought in Mrs. Barber?

A. Yes.

Q. Tell us what happened when she was brought in.

A. They brought her in. They sat her down in a chair. They said, "Tell him what you told us." So she made a hysterical statement and was muttering in a more or less unintelligible fashion. She said something. They said, "You know, tell him what you told us." She made some motion. She made some unintelligible sound. I couldn't understand what she said. . . . They came —all of them crowded around me— and said, "You heard it. What are you going to do now?" All of them crowded about — four of them crowded around the chair I was sitting in — and began slapping me. They said, "We have a reputation for getting confessions in this precinct. You know that, don't you? I told them I don't know what they're talking about, I'm not going to admit to anything that is going to put me in the electric chair or prison for the rest of my life. They kept it up and kept it up, and they reached a point beyond which I found myself incapable of proceeding, and I said, "All right, anything you say."

A couple of hours later, Noble went on, he was brought into a room where an Assistant District Attorney and a stenotypist, along with Quilty and Kaufman, were waiting for him. Somewhat recovered, Noble again denied any connection with the murder, whereupon

> . . . The D. A. banged his fist on the table and yelled, "Listen, you bastard, I'll put you in the chair! I'll fry you! I'll have that girl take the stand against you!" Then he hesitated for a minute, looked me in the eye as if he was trying to discern some manifestation of stupidity in my face, and he said, "All right, now start over again and tell us what happened over there." I said, "Am I forced to make all these incriminating fallacies against myself before I have a chance to consult with counsel?" He said, "All right, take him out." They took me out and began to work me over . . . and they began to bang me around until I said, "All right." And they said, "He is ready now." And they sat me back in the chair I relinquished about fifteen minutes previously.

In the end, Noble continued, the D.A. had given up and dictated the confession to the stenotypist, pausing frequently to ask him if that were right. "Anything you say," Noble said he had answered. "Anything you say." Finally, the statement was completed, and the D.A. told him that he had been very cooperative, and smiled. "It reminded me of a smile that Brutus had on his face," Noble told the court.

The point that Edelbaum was slowly working toward emerged soon after he recalled Quilty to the stand. Picking up Noble's confession, which as

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yet had not been put in the record, he slipped on his glasses and approached the witness. Asking him to recall the colloquy between Noble and the D.A. who took his statement, a man named Wallace Flax, Edelbaum said, "Do you remember him being asked these questions and making these answers? Question: 'What happened at 1973 Eighty-first Street, James?' Answer: 'Am I compelled to answer these questions before I consult legal counsel?' Question: 'What happened?' Answer: 'After I speak to legal counsel, I will speak to you.' Question: 'If I ask you any more questions, what would your answers be?' Answer: 'After I speak to legal counsel, I will talk to you.'" Removing his glasses, Edelbaum faced the jury again, and said, "Did you hear him asked those questions and make those answers?"

With a nod, Quilty said, "Yes."

"Now, at that point was he taken out of the room?" Edelbaum asked. "Yes or no?"

"No," Quilty answered unhesitantly.

QUICKLY putting his glasses back on, Edelbaum turned to the detective and, looking at the confession, said, "Well, the very next questions were these: Question: 'James, do you want to make a statement?' Answer: 'I do.'" Lowering the paper, Edelbaum shook it and shouted, "Do you remember *that* question?"

"Yes, Mr. Flax asked it," Quilty answered calmly.

Edelbaum turned his back on him, and then, suddenly wheeling around, cried, "And do you tell us that after these other questions where he asked for legal counsel, the very next question was then asked? Question: 'James, do you want to make a statement?' Answer: 'I do.' You tell us *that* happened without *any* interruption whatso*ever?*"

"Yes," the detective replied.

"And the very next question?" Edelbaum went on, his voice rising even higher. "Question: 'Do you want to see your lawyer as you told me before?' Answer: 'No. I tell you the truth—everything that happened.' Do you tell us that *that* next question immediately followed the other questions without any interruptions, without him being taken out? Do you tell us that now?"

"Yes."

"And the questions continued *without* interruption?"

"Without interruption."

THE stenotypist from the D.A.'s office who had taken down the confessions—a dark-haired man of about thirty named William Hilowitz, with a fixed expression of general perplexity—took the stand and added the further information, under Edelbaum's cross-examination, that he had recorded on each statement when it began and ended; Ella's statement, which was six and a half pages long, had taken eighteen minutes to put down, while Noble's, which was only a page longer, had taken fifty minutes.

"And then the examination continued, when you started at eight-fifty, right through to nine-forty, is that right?" Edelbaum asked.

"Yes, sir," Hilowitz answered.

"And Mr. Flax asked the questions and got the answers one after the other, right?"

"Yes, sir."

Edelbaum proposed reading the two statements to the jury and timing them — a request that brought Schor up from his chair with the objection that the circumstances under which they had been taken down could not possibly be reproduced. Granting that much, Judge Sobel overruled him on the ground that there was a sufficient discrepancy in the time each had taken to warrant such a test. Still, Schor refused to participate in it, and sat down sulkily. As a result, the Judge himself, with the authority of his position, read the statements slowly and with frequent pauses. Ella's confession took him nine minutes, and Noble's, about which he was particularly circumspect, took seventeen.

After court adjourned that day, I joined Kaplan, Silver and Leibowitz outside as they waited for an elevator. "In my opinion," Kaplan said to me, "the case won't get to the jury. Judge Sobel will probably call in Schor and tell him that he'll never get a conviction on murder one and that he'd better offer the defendants a reduced charge. By that time, they may be scared enough to take it."

Leibowitz had been staring off abstractedly, but finally he shook his head distastefully, and said, "I never have understood how anyone can come into a station house and see a man bleeding and frightened and shaking, and can sit down and take a statement from him. I just don't see it."

"You've just got to do it right, Bill," said another lawyer who had just stopped by after observing the day's events. Smiling, he went on, "You never tell them to rough somebody up. I used to be an Assistant D.A. myself, you know. When I got to a station and they said the prisoner wasn't ready, all I ever said was, 'I'm going around the corner for a cup of coffee, and I'll be back in half an hour.'"

WHEN THE subject of corroborative evidence came up, it turned out that the murder weapon was still missing; that although the Barber apartment had been gone over for fingerprints, none of Noble's had shown up; that while his shoes were found without undue difficulty, the clothes he had worn on the night of the murder had never been discovered.

Moreover, it came out that the police had never checked at the Bay Bar to see if Noble — a memorable customer indeed—had been there on the night of the murder. Nor, it seemed, did anyone know who was the mysterious accomplice whom Noble had mentioned in his confession (and whom Ella had *not* mentioned in hers), or where he could be located; in fact, to all appearances, no one had troubled to look for him. As for the shoes, a serologist from the Medical Examiner's office stated that while the soles had revealed traces of human blood, there was not enough of it for him to determine whether it was even from the same general group as Barber's.

In both confessions, it was stated that Ella had paid Noble a hundred dollars in twenty-dollar bills, none of which were ever located, either. On this point, Edelbaum cross-examined Kaufman with particular thoroughness. "You tell us now, Lieu-

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tenant Kaufman, that you, as the head of the homicide bureau for that district at the time you questioned Noble, didn't know whether or not he was searched when he was taken into custody to see how much money he had on him?"

"I do," Kaufman answered, with equanimity.

"And you didn't know, and you didn't inquire, is that right?"

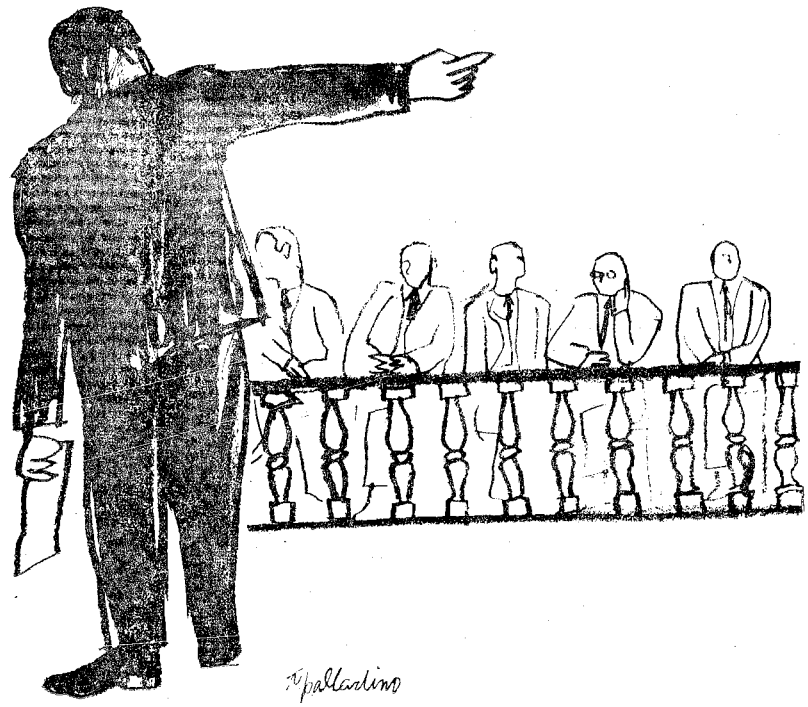
"I didn't inquire, no."

Leaning forward from the waist, Edelbaum waved a fist, and shouted, "Well, don't you know that the five twenty-dollar bills would be the strongest evidence in this case if they were found in the possession of the defendant?"

"Yes," Kaufman said, shifting in his chair.

Again Schor got up to protest, saying, "Will the Court please instruct Mr. Edelbaum to treat the witness with respect?"

"I have the greatest respect for him," Edelbaum said sourly, as he turned his back on Kaufman and walked away, like a matador from a fixed bull.



NOT long afterward, the state rested—uneasily, by the looks of the prosecutor—and as soon as the jury and the defendants had left the courtroom for a recess, Edelbaum sauntered over to his opponent. "You know, Nat," he said, "my client might agree to take a plea now—to third-degree assault." Schor gave him a pained look and turned away.

Out in the corridor, I stopped Kaplan and asked him whether the police investigation of Barber's murder had been as slipshod as all the evidence brought out seemed to indicate. "They never expected it to come to a trial," he explained. "They had a couple of confessions—whatever they were worth—and so they just left it at that."

I wandered around, among the members of the audience—most of whom I recognized from earlier days in the trial. One of them, a tall, light-skinned Negro in his late fifties, appeared to be more in the know than several men standing around him. Just as I was about to make my way back to court, I heard one of them raise a question that had been in the back of my mind for some time, so I waited to hear what his answer would be. "Why are there so many big lawyers in one case—one little case like this?" the tall man said, repeating the question.

"Well, it's like this. It's good for a lawyer to get appointed to a case because of the money in it for him. The state pays. The state pays $2,000 per defendant."

The questioner snorted. "What's one-third of $2,000 to a man like Edelbaum when he has to spend two weeks and better here?" he asked.

"You are right, my friend," the tall man said, with a smile. "But you forget that they never thought it would go to trial. So every one of them lawyers gets a slice without more than a day or two of work. That's why. The judge who appointed them—not Sobel, but I don't recall exactly who—didn't expect it to come to anything any more than the rest of them did. That's what some people call politics."

THROUGHOUT the trial thus far, Ella had followed the proceedings closely and, as at the start, she still seemed quietly confident. When Kaplan called her as the defense's first witness, she hesitated momentarily and then quickly rose and walked to the stand. However, as soon as she spoke—in a soft, rather woolly voice that often burst into sudden incoherence—it was clear that she was under a fearful strain. To begin with, Kaplan, guiding her slowly and gently, brought out that she had worked a double shift on the day before the murder, from seven A.M. to eleven P.M., and that she had slept, at most, no more than four or five hours out of the thirty-six that preceded her statement to Flax; moreover, she had also been without food for twenty-four hours prior to that final interview. Continuing, she stated that although she had at times found living with Barber so difficult that she had even left him on one occasion—about three weeks before the murder—she had returned of her own accord a few days later because she wanted to be with him. Furthermore, she went on, others had found Barber a good bit more difficult than she had, including a man named Leo with whom Barber had almost had a knife fight the day before he was killed.

When Kaplan asked her to recount the events of the night of the murder, Ella told how Barber had met her at the Home at about eleven o'clock Friday evening, and that after being joined by a woman, who also worked at the Home, and her husband, the four went to the Bay

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Bar. Worn out from her long day and not being much of a drinker to boot, Ella said that after she had consumed better than two three-ounce glasses of whiskey, she wanted nothing more than to go to bed. Barber, however, wanted to go to Coney Island and get a hot dog at Nathan's, and was furious when everyone else voted to turn in. Once back home, Ella said, Barber continued to grouse about not getting his hot dog. Ignoring him, she went into the bathroom to wash off her makeup before going to bed, and as she did, she happened to glance around and saw a strange man coming through the kitchen window. Terrified, she ran into her bedroom and grabbed Barber. However, before she could speak, he pushed her aside and, saying that he was going to fix himself something to eat, started for the kitchen. In a panic, Ella recounted how she had looked around for a place to hide. "I thought I could go through the window, go under the bed or something," she testified. "I just didn't know what to do. I just passed out."

SHE REMAINED unconscious, she stated, until Dunn called her five hours later. Afterward, when she was in the station house, the medical examiner arrived. "So he came in and he told them how Bobby was killed," she said, and sobbed. "He said that he was stabbed, and he was—" Here she broke down once more, and stopped to collect herself. "He said he was stabbed and kicked and stomped," she went on finally, with an effort. Suddenly she cried, "He was just telling *every*thing!" and burst into tears.

Composing herself, Ella went on to say that after she had been questioned by the police at some length concerning her first story, she told one of the detectives that she was very tired, and he let her lie down on a cot in a small dormitory.

> As soon as I laid on the bed, the other detective, Detective Quilty, came in and he says that I wasn't going to lay down until I give him the story. So I said, "Well, I'm tired," I said, you know. "If you give me a chance to think, maybe I can think up another story to give you," I said, "but I told you the truth in the beginning." . . . He said, "Well, Ella, all we have to do is just get a story," he says. "Listen," he said, "you don't have nothing to worry about. All we want is a story." He said, "If you don't give us the story, you could go to jail." But he wanted the story about I had paid somebody, you know, to kill Bobby. . . . So he told me that if I would give him that story and persuade Noble to say it was true, that I wouldn't go to jail, but if I didn't give him that story, I would go to jail. . . . I was scared. I had never been in any trouble. I had never been to a precinct. I didn't know what to do. I just was doing what they asked me to do. Then when I went in the room to Noble to try to persuade him — they put handcuffs on me and told me to go in there and talk to Noble, you know — so I went in there, and I begged Noble to give them the story. He said, "What you want me to do, lie?" I said, "No, just tell them anything, Noble." . . . And so after that they took me out and everything, and before I went out of the room, there was one detective . . . he picked up a chair, you know, because Noble didn't want to do what I asked him to do . . . and I said, "Please don't hit him." I said, "He don't know nothing about it. . . ." So they took me on out and made me sit down. In the meantime — I was sitting in the office next to him — and they kept fighting Noble and everything. I begged them. I said, "God," I said, "there has been enough happened all day."

AN ADJOURNMENT for lunch followed, and I joined Silver in the elevator. Out on the street, he stopped and faced me. "The most important part to remember is that we didn't tell Ella what to say," he said. Perhaps I looked at him doubtfully, for he went on, with renewed emphasis, "Oh, you hear all those stories about lawyers who tell clients what to say, I know, but ninety-nine times out of a hundred that's pure bunk. Maybe a lawyer will suggest an over-all way to approach things. But we *never* tell a defendant what to say. We'd be fools to. In the first place, you don't know clients well enough to be sure just how they'll act, how much strain they can take, whether they're liable to break down on the stand and tell *all*. If they do, there you are—suborning perjury. As a lawyer, you're through. And, besides, what if you cook up some story and they tell it, and then they go to the chair? That's too much even for a lawyer to bear."

After lunch, Schor had his turn at Ella, and by this time the only real issue he had left was that since out of her pay of $203 only $83 was left when she was arrested, where was the rest? As Ella remembered, April 17th she had spent two to three dollars for sandwiches and ice cream for herself and her co-workers; she had given Noble eight dollars for some cosmetics, which he sold on the side; she had paid for five dollars worth of drinks at the Bay Bar; and she had given Barber sixty dollars to pay some bills of hers. Pointing out that this added up to only around $163, Schor wanted to know what had happened to the other forty. Mathematics was too much for Ella to handle, but when it came to handling Schor, she was quite up to the task. For one thing, she said, Noble's name had first come up not in regard to his being the killer, but when the police wanted to know what she had done with her pay and she mentioned the cosmetics she had bought along with the rest of her expenditures. For another, she continued, it had been Lieutenant Kaufman who suggested the hundred-dollar payment and, in particular, the five twenty-dollar bills, since he thought that would be easier for her to remember.

Getting back to when Noble's name had first come up, Schor asked:

> *Q.* Well, did you tell the detectives finally that Noble was the man who killed—
>
> *A.* No, they told me. They told me that Noble had told them I had gave him a hundred dollars.
>
> *Q.* And you agreed with that?
>
> *A.* I didn't agree.
>
> *Q.* You denied it?
>
> *A.* Why not? I didn't do it.
>
> *Q.* You wouldn't tell the detectives a lie, is that right?
>
> *A.* What do you mean, I wouldn't tell them a lie?

At this, Edelbaum snickered, and Schor stopped and glared indignantly at him. Once the D.A. had regained his composure, he returned to the detectives' story. "They told you,

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'You have to answer the District Attorney in a certain way,' and they told you what to tell him, isn't that right?" he asked.

Nodding, she answered:

> They told me, "Ella, look, we're trying to help you." I don't know whether they're trying to help me or not. They fixed the story up and told me to tell it. Not only that I wouldn't have anything to worry about, I had the impression I was going home when I gave them the story. They didn't even tell me I was going to jail.

NEARLY four days of the proceedings were devoted to assessing Noble's mental state. To fill in his background, Edelbaum went over Noble's history as it had been recorded in the course of his various brushes with the law. To begin with, he was born—out of wedlock, father unknown—in Tarboro, North Carolina, a small tobacco and cotton town. His mother, who worked mainly as a maid, took him to Washington, D.C., to live during his childhood, and they remained there until he was seventeen, when they moved to White Plains. The following year, Noble stole a few dollars from his mother and took a jaunt to Washington. When he got back, she filed a complaint against him, and he was arrested and put on probation as a wayward minor. Feeling none too kindly toward his mother—whose way of life, which he described to various doctors as promiscuous, he seems to have resented even more bitterly than her reliance on the police when it came to taking care of him—Noble moved in with an aunt who lived nearby. However, he stole from her also—cigarettes, this time—and she turned him in to the authorities, too. While in jail on this occasion, he was given a physical checkup and was found to have syphilis, which was thought to be congenital. Put on probation once more, he turned up two months later in White Plains City Court charged with possession of a dagger. Given a suspended sentence and put on probation again, he failed to report to his probation officer and, as a result, was committed, early in 1946, to the Elmira Reception Center. There, for the first time, he came to the attention of a psychiatrist who diagnosed him as a psychopathic personality, a disorder that does not constitute insanity.

Shortly afterward, he was transferred to the New York State Vocational Institute at Coxsackie where, after another year, he was examined again, and again adjudged psychopathic; the prognosis was fair, and an early parole was recommended. However, a year later he was still there, and after the psychiatrist had examined him, he reported that Noble claimed he had visions, that he was planning to sue the state, that he had dreams of turning into a wolfman, and that he was going to join the Russian Army. This time, he was diagnosed as a schizophrenic, paranoid type—a serious enough mental condition to constitute legal insanity in any court in the land—and within a matter of days, he had been shunted over to Matteawan State Hospital. After undergoing observation for several months, he was classified as being psychotic. Although psychosis, too, signifies insanity, he made a rapid recovery, for within seven months of the time he was admitted, Noble was out again.

THAT WAS IN the winter of 1949, and he managed to stay out of trouble until 1956, when he was again arrested, this time in New York City, and charged with carrying a concealed pistol; in due course, he was convicted, and once more sent away—to Greenhaven State Prison. Examined there by still another psychiatrist, the conclusion this time was: "We are dealing with a schizophrenic of long standing with psychopathic behavior, and as he gets older, more of the schizophrenic picture is visible; prognosis is guarded and supervision should be strict." It was strict, until he was released again, two years later, in the fall of 1958. Trying a couple of jobs—neither of which, he later said, "complemented my personality"—he finally went to work, in December of that year, at the Haym Solomon Home. After being indicted for Barber's murder, Noble was examined once again, at Kings County Hospital, where the chief psychiatrist concluded that he was a schizoid personality, but not insane. On the other hand, a psychologist on the hospital staff put Noble through the usual battery of Rorschach tests and such, and on the basis of these reported that he was definitely insane—"a decompensating paranoid schizophrenic who is managing to sustain a borderline contact with reality."

For the most part, Noble had been attentive but aloof throughout the trial. From time to time, he smiled at a snatch of testimony or shook his head—usually in indulgent contempt—and twice he laughed outright. However, when Edelbaum began to read from the various psychiatric reports, Noble at last became engaged. He openly sneered at findings that suggested or came right out and said that he was mentally ill. Then, when Edelbaum quoted a record from Greenhaven that stated Noble had an I.Q. of 86, he sat forward sharply and glared at his lawyer. A few minutes later, when he took the stand again, Noble was clearly furious. Grudgingly, he answered Edelbaum's queries about his background—he had attended school as far as the seventh grade, he said, and he added to this meager education by taking various courses at Coxsackie and Elmira; moreover on being released from prison, he bought some books and taught himself ancient, medieval and modern history, along with geology, mathematics and music. Continuing, he stated that he had been a Jew for three years but, since his most recent arrest, had turned to Christian Science. Some matters, though, he refused to discuss—that he was a congenital syphilitic and illegitimate. When Edelbaum referred to the latter fact, and asked whether that hadn't disturbed him, Noble gave him a lofty look. "Nothing disturbed me," he said. "I am completely complacent."

However, his complacency vanished when Edelbaum asked him to tell the jury why, exactly, he had been sent to Elmira. "I would prefer you read it to the court for the record," Noble replied. "That way, there will be no discrepancy."Finally, as Edelbaum continued to press him on this subject, Noble lost his temper. "Are you trying to palm me off as a nin-

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compoop?" he cried. "You say my I.Q. was 86 at Kings County. They told me my I.Q. was 120. You didn't tell the jury *that!*"

Even though Edelbaum conceded that his I.Q. was 120 on the verbal level (86 on the conceptual), Noble was quite unmollified. Apparently preferring to be convicted of murder than of being slow-witted, he interrupted Edelbaum to say, "You are reading more or less in an effort to try to convey to the jury that I am mentally disturbed."

His stint in Matteawan, he explained, had been the result of his putting "on a bug act"—a sham likeness of insanity that he had got away with quite simply. "[The doctor] asked me a lot of questions," he went on. "I knew how to answer them, but I gave answers contrary to what a sensible person would give. . . . I told him quite a concatenation of lies." Asked why he had gone to this trouble, Noble replied that he had heard that inmates at Matteawan got more milk than those at Coxsackie. "I figured I would put on some weight and when my time was up, I figured I would have put something over on them."

WHEN INSANITY is a plea, it is quite often the case that opposing experts cancel each other out, but in this instance it seemed to be the general opinion, once all the medical testimony was in, that the defense had won in a walk away. Edelbaum called two psychiatrists on this issue. They had interviewed Noble together for close to four hours, and their mutual conclusion was that he was decidedly schizophrenic, which constitutes legal insanity, since it means that he knew neither the nature and quality of his act nor that it was wrong.

On rebuttal, the state's first witness was the acting superintendent of Matteawan, Dr. Solon Wolff, a diminutive, elderly man who had drawn up the original summary of Noble's condition that Edelbaum had read from earlier, which stated that Noble was psychotic. As Dr. Wolff put it now, though, he had been psychotic only while at Coxsackie and by the time he got to Matteawan his psychosis was tapering off; consequently, when he was discharged after seven months, he was suffering from a psychopathic condition. During this testimony, Noble nodded and smiled encouragingly at the doctor, and was clearly delighted with him.

SCHOR'S NEXT expert, Dr. David Abrahamsen, concurred emphatically with Dr. Wolff's view that Noble was quite sane. This, he testified under Schor's examination, he could tell solely from his "personal observation in the courtroom." If Noble had been psychotic since his stay in Coxsackie, he said, "he would be looking like a vegetable."

Although the jury was not informed of it, the law protects a defendant who is pleading insanity by allowing him, on the grounds of possible self-incrimination, to refuse examination by the state's doctors, which Noble's counsel had taken advantage of. Schor's witnesses, therefore, were obliged to depend wholly on the various records of Noble's medical history and on their observation of him in court. Edelbaum made good use of this fact by picking up Dr. Abrahamsen on his testimony concerning the latter, by asking, simply, "You tell us now—I want a yes or no answer to this, Doctor, without equivocation—do you tell this jury now that you, as a psychiatrist, can tell us with reasonable certainty, merely from your observation of the defendant in this courtroom, you can tell us now, without anything further, without any other knowledge, without any other record, without questioning the defendant, you can express an opinion that on April seventeenth or eighteenth this defendant knew the nature and quality of his act or knew it was wrong?"

Seeing what had happened, Dr. Abrahamsen tried to retract his earlier statement, but Edelbaum hammered after him, insisting on an answer, until, finally, Judge Sobel turned to the witness and said, "The District Attorney asked you the identical question, and you answered, yes, you could with reasonable certainty form an opinion. Now the defendant's counsel is entitled to have a yes or no answer."

However, Doctor Abrahamsen preferred to ignore the Judge. "I believe it would be unfair of me to answer this question with a yes or no," he said, "because I did know beforehand what was going on, so therefore my answer must be, No."

That now settled, Edelbaum said, "Now, Doctor, you told us that if this man was a schizophrenic, paranoid type, as he sits here in the courtroom he would look like a vegetable. Isn't that your testimony?"

"Yes," Dr. Abrahamsen answered.

"Do you tell us now that every schizophrenic, paranoid type that you ever saw in your life looked like a vegetable?"

Again the Doctor refused to answer with a yes or no, again Edelbaum insisted, and again the Judge intervened. "I think you can answer it yes or no," he said. "He asked you if every one you saw looked like a vegetable."

"No," Dr. Abrahamsen answered, after a pause.

"All right," Edelbaum said, turning away, "that's an answer."

At one point, Doctor Abrahamsen let the jury know that he had not been allowed to examine the defendant personally, and the Judge had the remark stricken from the record and told the jurors not to draw any inference from it. Edelbaum managed to turn even this to some use. Wouldn't it have been more desirable, he asked, if the Doctor had had an opportunity to examine Noble?

"I must answer this yes or no?" Doctor Abrahamsen asked.

"Yes, please," Edelbaum replied.

"It is very hard to answer this question," the Doctor said.

"Try," Edelbaum told him. "Try hard, Doctor."

Finally, after a long pause, Abrahamsen shrugged, and said, "I can give a qualified yes."

THE STATE'S next—and the case's last—witness was the chief psychiatrist from Kings County Hospital, a rather rumpled, white-haired man named Dr. Emil Winkler, who had examined Noble in November and found him to be sane. As Edelbaum brought out on cross-examination, however, his study had been made solely to determine whether Noble was able to understand the charges

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against him and to stand trial. Asked whether he thought Noble was sane at the present time, he answered that he couldn't tell, since he had not examined him recently.

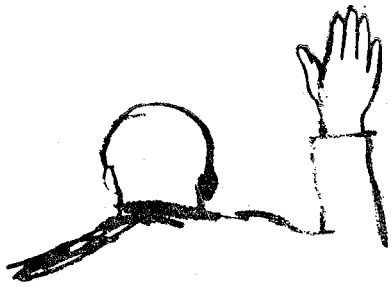
"In other words, Doctor," Edelbaum said, with marked deference, "it is your honest opinion that just from looking at him or observing him, you couldn't give an opinion now, could you?"

"I would not do it, no," Dr. Winkler answered.

Kaplan delivered his summation, which took him half an hour, in a calm, point-by-point fashion. In the course of it, he noted that Ella's lack of sleep was tantamount to coercion; that the police first heard of Noble from her in connection with the cosmetics; that the medical examiner described in her presence precisely how Barber had met his end; that both of the confessions might well have been Kaufman to Ella to Noble to Flax; and, finally, that she had no motive. One of the jurors, a gray-haired, middle-aged man in the back row, fell asleep toward the end of Kaplan's talk, but he came to with a start when Edelbaum embarked on his rousing, old-fashioned summation, during which he whispered and roared for a good hour. "I have been thirty-one years at the Bar, and I have never in my life seen such a terrible piece of work of investigation done in a homicide case as was done in this case," he cried, slapping the rail of the jury box. "They get varying stories from this lady, who had been up for so many hours. They get different stories from her, and they tell you that they didn't believe one story, and they didn't believe another story. Then, they get a final story, and they decided that story is true. These geniuses, they decided it's true. They solved a crime!"

WHEN Schor got his turn, he made some telling points. For one thing, he suggested that although there had been no testimony concerning whether or not Barber had spent or kept the sixty dollars Ella claimed she had given him, if she had in reality given it to Noble along with forty dollars more, that would account for her finances. For another, he said, "Would detectives frame two individuals of their standing? Would they have any reason to frame them? Was there bad feeling between these two defendants and the police? Are they people that are notorious? They get lost in the shuffle." Finally—and most effectively—he brought up Noble's confession, and read parts of it. "Do you think Flax, coming into the police station, could know how to dictate that?" he asked. "You couldn't do it in a thousand years—talk the way this man talks."

HOWEVER, Judge Sobel in his charge to the jury—a carefully worded, simply expressed document that took him three hours to read—put



quite a different light on the case. After defining and explaining in elaborate detail the various legalisms at issue and reviewing the pertinent facts, he reminded the jury of every point in the defendants' favor—particularly the lack of corroborative evidence. "I instruct you," he said, "that apart from the alleged confessions, there is insufficient evidence as a matter of law upon which you can find either defendant Barber or defendant Noble guilty." He also took pains to clarify one matter concerning those confessions, saying for the third time, "I repeat once again that it is the duty of the District Attorney to establish in this case that all of the confessions were voluntary, and he must establish that fact to your satisfaction beyond a reasonable doubt." On the subject of Noble's mental state, the Judge slowly read aloud once more the various psychiatric findings that had been made before the trial. As for the testimony given during it, he pointed out that the prosecution's witnesses, "although they did not examine him personally," had found Noble sane, while the defense's witnesses, "both of whom personally examined the defendant," had diagnosed him as insane. Finally, he described the possible verdicts they could bring in—first or second degree murder, first or second degree manslaughter, not guilty, or, in Noble's case, not guilty by reason of insanity.

OUT IN THE corridor, I ran into Schor and asked him what he thought was the most likely verdict. "Not guilty by reason of insanity for Noble," he said, "and manslaughter one for Ella. That means back to Matteawan in his case and up to fifteen years in prison in hers."

Kaplan came up just then, and hearing this appraisal, shook his head. "Not that light, Nat," he said. "I bet it will be murder two for both of them."

We had a long wait. The afternoon dragged on and we went out for dinner and came back to wait some more. At two-thirty in the morning, everyone was sitting around in an outer office of the Judge's chambers when his clerk, a mild-looking man in his forties, hurried in. "They've reached a verdict," he said excitedly. "They're on the way." Hastily, we all took our places back in court. In rapid succession, Ella and Noble came in, both looking as collected as ever, and then the jury, appearing none the worse for their lengthy deliberation, filed in and sat down.

"Gentlemen of the jury, have you agreed upon a verdict?" the clerk asked. "Rise, Mr. Foreman."

The first juror, a slight, bespectacled man with bushy hair, stood up. "We have," he said.

"With respect to the defendant James Noble, what is your verdict?"

"We find James Noble guilty of murder in the first degree."

"With respect to the defendant Ella Barber, what is your verdict?"

"We find Ella Barber guilty of murder in the first degree."

In the stunned silence that followed, I looked at Ella and Noble. Their demeanor hadn't changed a bit. To be sure, Noble was sitting more upright, and Ella was leaning forward a little more than usual, but their faces revealed nothing whatever. A minute later, the wheels of justice

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began rolling once again, and the defendants were conducted, Noble in handcuffs now, to the clerk's desk to have their pedigrees taken. The clerk asked them their names, ages and places of residence, and both of them answered calmly and clearly. Edelbaum, standing beside Noble, was looking down at the floor, his face ashen. He didn't move until Noble lifted his manacled arms up and got his attention long enough to shake hands with him. "Thank you," Noble said. "I just want to thank you. I still think you're the greatest lawyer there ever was."

ONCE the defendants had been led out, Judge Sobel rose and went over to face the jury. "I am not permitted to express any opinion of a verdict, but I want to thank you," he said, his voice shaking noticeably. "I know that you did your duty as you saw it, and I would like to thank you for myself and for the District Attorney and for the defendants' counsel, for the long and arduous duty you performed. Thank you." The jurors returned his thanks, and filed out for the last time. As soon as they were gone, the Judge came down from the bench toward the lawyers grouped in the middle. "You tell them what to do, and they don't even consider it," he said, shaking his head. "I just don't think those poor devils should go to the chair."

Edelbaum, who was still looking dazed, rubbed a hand across his eyes. "It doesn't make sense," he said.

"Has anyone gone to ask them how they reached their verdict?" Judge Sobel asked. Silver volunteered and hurried out, and the Judge, shaking his head again, turned and went back to his chambers.

Edelbaum went up to Schor, and said, "It doesn't make any sense, Nat. Can *you* figure it out?"

Schor, who was looking rather shaken himself, shrugged. "It's one of those things, Maury," he said.

Shortly after Judge Sobel reappeared, wearing a dark-blue coat and a gray hat and smoking a good-sized cigar, Silver came back. "I caught them on the street," he said, breathlessly. "They were all for conviction from the very start except Juror Eight, the tall, bald-headed fellow. He didn't believe Noble's confession was voluntary. He told me he held out as long as he could, but they finally wore him down."

"You mean they didn't even *question* his sanity?" Edelbaum cried.

The local newspapers hadn't printed anything about the case while the trial was on, but the following day several of them took note of Judge Sobel's unfortunate first, as well as of the fact that Ella would be the first woman in Brooklyn to be sent to the electric chair in over sixty years. Later that day, I telephoned Kaplan to see how he felt about the outcome. "Bad—very bad," he said, and sounded it. "I went to see Ella in jail this morning as soon as I could, and she's in awful shape. I told her that maybe the Judge would set aside the verdict if she would take a murder two, but she refused. She just shook her head, and said, 'Mr. Kaplan, I didn't do it. And that man Noble is innocent, too.' "

A FEW days later, I stopped by at Edelbaum's office in midtown Manhattan to see if he had anything further to offer on the case. "Of course, an appeal is automatic in this situation," he said. As for the jury's decision, he admitted that he was no less perplexed by it now than when they announced it. Continuing, he told me that Noble had also rejected any possibility of pleading guilty to second-degree murder—or anything else, for that matter. "He swears he'll go to the chair first," Edelbaum said, shaking his head. Suddenly, he smiled and, reaching into a desk drawer, brought out a couple of sheets of cheap lined notepaper, and handed them to me. "It's a poem Noble sent me after the verdict came in," he explained. Excusing himself, Edelbaum picked up the phone to make a call, and while he was talking, I went over to a chair in the corner and read the poem, which was entitled "The Mellifluous Maurice" and signed "James Noble."

Poignant and magnetic, before the jury stood
The mellifluous Maurice, the errant's Robin Hood,
Remote, sedate, suave, and deft, and classically blasé,
Wafted by his mastery, the throng commenced to sway!
Suspense was choice; it seized with awe, it seemed,
And I a trite, enchanted, indeed a fulfilled, dream!
The mellifluous Maurice, with diplomatic skill,
Confuted with a velvet touch the lie that I had killed!
He swoon'd and sway'd and sallied forth, and set
The crowd in awe.
Their oohs and aahs were stilled, as he discern'd
The flaw!
The magic of this Maurice, his mellifluous mirth,
Vitamined and golden-hued, he fructifies the earth!
He raps and rants and raves and jests; a finished dramatist.
He's poised, he's keen, he's sweet, he's king, that's
Why he heads the list!
He modulates from law to law. He has a
Deadly punch.
He's like a king against a pawn when he
Perceives a hunch!
The joke is past, the die is cast, the jury seems
Irate.
They leer and hiss and seem amiss; they are indeed
My fate!
The sign displayed, I am dismayed, am fraught with
Mortal fear!
Be not alarm'd, be cool and calm: Mellifluous
Maurice is here!!
They said I killed, with lust and skill, and Justice
Must be done.
I have not slain, but bear the pain of the guilty
One!
From the fort, to the court, a victim by decree.
All life is rare with none to spare!
Maurice
Come set me free!
Devoid of Edelbaum, I'm certain to succumb.
My doom seems sealed. I did not kill, how can they
Be so dumb!
They say you are the best. Well, here's the classic
Test:
I know you are not bested, but shan't it be
Contested;
If I am burned, shall you have earned the
Title so most vested?

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THE NEGRO VOTER . . *by Henry Lee Moon*

TO ASSERT confidently in September how any group of voters will cast their ballots in November requires a clairvoyance — or a rashness — with which this writer is not endowed. There are too many imponderables involved, particularly concerning a segment of the electorate that has demonstrated as much fluidity and has been subjected to as many varied pressures as have Negro voters.

It is, however, possible to evaluate the influencing factors. Basically, Negro voters will be guided by the same general considerations which determine how other American citizens vote. They share a common concern for the national welfare, peace and security. As wage earners and consumers, their well-being is affected by the employment situation, by wages and prices, by the availability of adequate housing and health services. And as members of the nation's largest ethnic minority, they have an important and emotional stake in equality of opportunity and civil rights. Among Southern Negroes, the civil-rights issue, perhaps, will be the dominating one; elsewhere, the complex of all these factors, rather than any single one, will determine how the Negro voter casts his ballot.

Just how many Negroes will be registered and how many will vote in November is as unpredictable as for whom they will cast their ballots. An estimated 4,000,000 went to the polls in 1956, nearly 1,000,000 of them in the South. It is reasonable to expect a higher figure in 1960 because of the natural increase in the number of potential voters, the continuing out-migration of Negro families from the low-registration areas of the South, and the stepped-up drive to register more Negroes in the Southern states. Last December, the National Association for the Advancement of Colored People and the Southern Christian Leadership Conference jointly announced a campaign to add 1,100,000 Negroes to the voting rolls in the South.

The total number of Negroes registered to vote this year may approximate 5,500,000, the number depending upon the amount of interest in the campaign and the intensity of the various registration drives.

If colored citizens (like other segments of the electorate) tend to vote for the candidates and party which they believe best serve their interests, they tend also (again like other ethnic or economic groups) to identify these interests with those of the nation. But Negroes especially are confronted with organized and entrenched opposition to the realization of their goals. This opposition which, in the South at least, is blatant and unabashed, tends to solidify Negro voters and accounts for the charge of "bloc voting" often leveled at them.

THAT civil rights has become an issue involving more than the wooing of Negro voters is evidenced by the strong, specific and comprehensive planks adopted at both the Democratic and the Republican national conventions. The convention actions were an affirmation of the country's basic equalitarian principles and a recognition of the need to implement these concepts at home if America is to retain moral leadership of the free world.

Analyzing the civil-rights planks of the two parties, NAACP Executive Secretary Roy Wilkins noted:

> . . . For the first time, both parties have put themselves on record unequivocally as favoring the elimination of segregation and other forms of discrimination from all areas of community and national life.
>
> Both have pledged to remove the procedural roadblocks in the Congress that have impeded progress towards that goal.
>
> Both have reaffirmed support of the historic right of peaceful protest against the indignities and injustices of discriminatory treatment.
>
> Most important, both have recognized the need for affirmative legislative and executive action by the federal government and have committed themselves to such a course.

MEASURED by the NAACP standard, Senator Kennedy has a more favorable voting record in the Congress on civil rights and related social-welfare legislation than Vice President Nixon. Both candidates were members of the House in the 80th and 81st Congresses. According to the NAACP scoreboard, Kennedy voted favorably on the two civil-rights issues before the House in the 80th Congress — to reject a proposal for Congressional approval of segregated regional colleges (May 4, 1948), and to enact an anti-poll-tax law (July 27, 1947). On eleven other measures of NAACP interest, he is recorded as having voted favorably seven times, unfavorably once, and being absent three times.

The record shows Nixon absent for the tally on the regional college plan and voting for the anti-poll-tax bill. On the eleven other measures, he twice voted favorably, seven times unfavorably and was absent twice.

In the 81st Congress, Kennedy is recorded as having voted favorably on four of five civil-rights measures and being absent on the fifth.

On the other five bills on which the NAACP took a position, Kennedy voted favorably four times and was paired favorably on the fifth.

Nixon's record on the five civil-rights measures reveals three unfavorable and two favorable votes. Later, as a Senator in the 82nd Congress, the Republican Presidential nominee three times voted unfavorably on civil-rights measures.

KENNEDY'S Senate record is longer, covering the 83rd through the 86th Congresses (1953-1960). Of twenty-one opportunities to vote on civil-rights issues during this period, he is recorded as having voted favorably twelve times and unfavorably four times. On four occasions he was paired favorably and once was absent. In 1957, he voted to retain in full the disputed Part III of the civil-rights bill which was emasculated in

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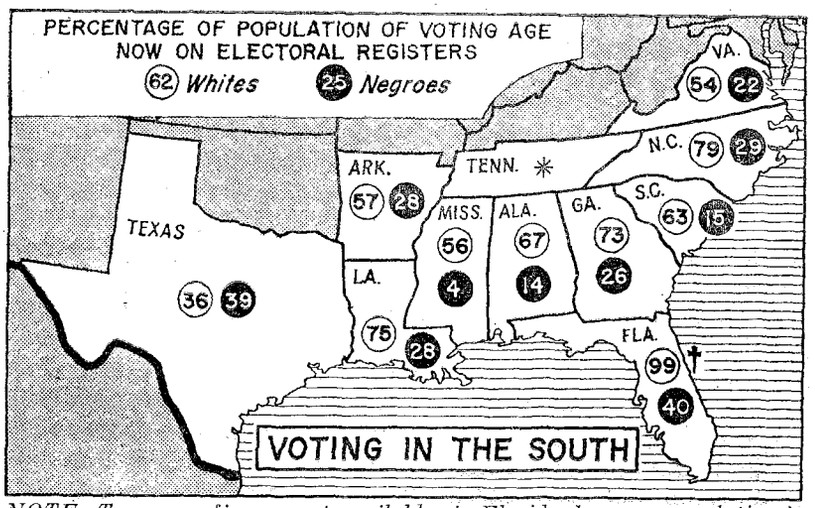

NOTE: Tennessee figures not available; in Florida, because population is based on a 1950 census, the proportion of whites registered to vote is probably overestimated.

response to the hysterical demands of Dixie Senators. This section would have empowered the United States Attorney General to file suits, on his own initiative, in cases of civil-rights violations — including suits to desegregate public schools. The Massachusetts Senator, however, went along with the Dixiecrats in their insistence upon jury trials for violations of the Negro's right to vote, a provision which, in the opinion of experts, made it impossible to secure conviction of election officials charged with barring Negroes from the polls. In 1957 and again last year, Kennedy supported a new anti-filibuster Senate rule.

IN HIS role as Vice President, Nixon had no opportunity to cast a deciding vote on any civil-rights issue. However, at the beginning of the 85th and 86th (current) Congresses, he indicated his conviction that the Senate could, by majority vote, adopt new rules — including a new cloture rule — at the beginning of each new Congress, as does the House. In neither Congress did the issue get to the point of a formal ruling.

Except for his active and essential support of the Civil Rights Acts of 1957 and 1960, Senator Lyndon B. Johnson's civil-rights voting record in both Houses of Congress is largely negative. In the 77th, 78th, 80th and 86th Congresses he voted *against* abolition of the poll tax. Among his favorable actions were votes against a proposal to curb the Supreme Court, for extension of the life of the Civil Rights Commission, for home rule in the heavily Negro-populated District of Columbia, and for confirmation of Simon E. Sobeloff as a federal judge (as U.S. Solicitor General, Sobeloff had argued the government's case for public-school desegregation before the Supreme Court).

In the Senate, the Texan has distinguished himself as the able leader of the South's successful effort to retain the filibuster. He and Kennedy joined sixty of their Democrats in voting to table the Republican-sponsored civil-rights bills in the recent rump session of the present Congress. In labor and social-welfare legislation, his record is better than in civil rights, but not particularly notable.

Since Negroes gave overwhelming support to the Stevenson-Sparkman ticket in 1952, although Sparkman's civil-rights record was nil, it is unlikely that the selection of Johnson, despite his spotty record, as Kennedy's running mate will prove a decisive factor for Negro voters.

DURING his early years in the Senate, Henry Cabot Lodge, the Republican Vice Presidential nominee, was a consistent supporter of neither civil-rights nor social-welfare legislation. After his return to the Senate in 1945, from which he had resigned in 1944 to enlist in the Army, he reversed his earlier pattern, the NAACP scoreboard recording him as having voted unfavorably on civil-rights issues only twice out of seventeen chances.

The Lodge record on labor and social legislation, the NAACP tabulation indicates, is better than that of either Nixon or Johnson, but not equal to Kennedy's.

A candidate's record, however, consists not only of his votes, but also of his public position on issues not up for a record vote. Both Nixon and Kennedy have given lukewarm, qualified support to the Southern students' sit-in movement. Each has indicated a keen interest in Africa and a desire to aid the emerging nations on that continent. In his economic and political views, Nixon is admittedly the more conservative of the two, but conservatism is not regarded as an asset among a people standing in the need of change. The Vice President's name, unlike the Senator's, has not been associated with any of the South's extreme racists. Both have addressed NAACP mass meetings. The President's Committee on Government Contracts, chaired by Nixon, has required constant prodding to secure limited employment gains for minority-group workers.

TRADITIONALLY Republican, colored citizens were converted to the Democratic Party by the New Deal policies of President Franklin D. Roosevelt. Their party loyalty was intensified by President Truman, then a fighting advocate of civil rights. From 1936 through 1952, they returned increasingly large majorities for the Democrats. This trend was reversed in 1956. Contributing to the reversal were the increasing well-being of the Negro and the emergence of a prosperous Republican-minded middle class, the resurgence of race as a political issue in the South, civil-rights gains under the Republicans (most of them initiated during the Truman regime but brought to fruition under President Eisenhower), and the ineptness of the Democratic campaign.

In 1956, post-election surveys indicated the Negro Republican vote had increased by nearly 20 percentage points compared to 1952. There was also a startling decline in the votes cast in the Negro districts of the principal Northern cities, except Detroit. As most of these were registered Democrats, their failure to go

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to the polls was largely a Democratic loss.

Nevertheless, in 1956 the Democrats carried the areas of Negro concentration in all of the larger non-Southern industrial centers except Baltimore, Columbus and New Haven, the majorities ranging from 51 per cent in Boston to 90 per cent in Detroit. The Motor City was one of three showing a slight increase over 1952 in the percentage of Democratic votes.

THE BIGGEST and potentially the most significant switch by Negro voters that year occurred in the Deep South. Voters who had given the Republicans scant support in 1952 went overwhelmingly for the Eisenhower-Nixon ticket in 1956. Eleven Atlanta precincts returned 70 per cent of the vote for Stevenson in 1952. Four years later, these same precincts gave better than 80 per cent of their total vote to Eisenhower. Similarly, the Republican ticket carried the Negro districts in most, though not all, of the Southern cities. The strong support given the GOP by Negro voters in Nashville and Memphis was a factor in helping the President to carry Tennessee in 1956 by a margin of less than 6,000 votes. They contributed also to the Eisenhower victory in Louisiana.

This vote may have been more anti-Southern Democrat than pro-Eisenhower. In the South, not only is the Negro within earshot of the constant din of race hate emanating from local Democratic leaders, but he is also denied an effective role in party affairs and shares none of the political patronage. His vote is being increasingly sought by candidates in his area, but his civil-rights goals are rejected by those in control of the Democratic Party in his community and state, and even by the very candidates who seek his vote. He is compelled usually to vote for the lesser evil.

Even so, the majority of Northern Negroes — which means the majority of all Negro voters — was still voting Democratic in 1958. The Democratic Party continues to have significant drawing power among the Negro masses in the major industrial centers, where it is looked upon as the party of the poor man. Their attachment has been cemented by their stake in the local party machine, which gives the Negro a measure of recognition in party affairs and in political appointments (though by no means commensurate with his voting strength); by the skill and organizing ability of local Negro leadership; in some cities, as in Detroit, by the influence of organized labor; by the liberal records and advocacy of civil rights on the part of most of the Northern Democratic legislators, governors and mayors; and by the Negroes' long memories of the Hoover depression and the revival of hope under Franklin Delano Roosevelt's New Deal.

But this year the Democratic position has not been enhanced by the all but unanimous Democratic vote, in last month's rump session of Congress, to table two modest civil-rights bills.

ON THE religious issue, it is well to keep in mind that American Negroes are predominantly Protestant. The Eastern Baptist Association of Brooklyn and Long Island, N.Y., an all-Negro religious group, has adopted a resolution pledging that "No candidate will receive support who cannot, in good conscience, faithfully adhere to the doctrine of separation of church and state because of adherence to a system which is not only inimical to it, but denies religious freedom and equality when it has the power and opportunity to do so." The same attitude has been expressed privately by some Negroes. How widespread and deep-seated the sentiment is, it is difficult to determine. But there's no denying it exists, despite the militant and effective role of the Catholic Church in the desegregation struggle.

Only once in this century — in 1916 — has the vote of the Solid South been essential to the successful Presidential candidate. In anticipation of a close election this year, the GOP is making a strong bid to win some of the region's 128 traditionally Democratic electoral college votes. In such a contest, the Southern Negro voter may play a pivotal role. Free of ties to local political machines, these voters, acting independently as in 1956, may well be a balance-of-power factor in Virginia, North Carolina, Florida, Tennessee, Louisiana, Texas and possibly Georgia. In 1958, there were more than 1,000,000 Negro registered voters in these states. This figure will doubtless be higher in November as the result of registration drives and federal action under the Civil Rights Acts of 1957 and 1960. This is an electorate at which both parties might well take a second look.

NEGROES, observed Gunnar Myrdal in his classic volume, *An American Dilemma*, "are grossly discriminated against in what they get from politics." Since publication of the book in 1944, there has been some improvement. Nevertheless, the Negro minority still gets less out of politics than do other segments of the population. This continuing discrimination gives validity to the demand voiced by Congressman Adam Clayton Powell and J. Raymond Jones of the Harlem Democratic Leadership team for increased Negro representation in the party councils and in appointive and elective offices. The demand strikes dismay in the hearts of the political purists. Yet there is nothing new, different or strange about it except the race of the group currently advancing the claim. Moses Rischin points out in his Fund for the Republic report, *Our Own Kind*, that immigrant nationality and religious groups have in various ways expressed the same demand for political recognition. Their success is attested by the careful ethnic-religious balancing of party tickets, particularly in New York City and State.

Some progress in recognizing the Negro's claim to a rightful share in government has been made in cities like New York, Chicago and Cleveland, as well as on state and federal levels. But Negroes still remain "grossly discriminated against" in political rewards. The demand for elimination of this discrimination doubtless will increase in volume and acerbity as the Negro vote continues to grow in numbers and in strength in the nation's large industrial centers.

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The Politics of Ratology (a fantasy) . . by Mordecai Roshwald

THE FOLLOWING account of institutions on "another planet" is taken from two chapters of a forthcoming novel by Mordecai Roshwald. Mr. Roshwald is the author of Level 7 *(McGraw-Hill), a novel of future war. He teaches at the University of Minnesota.*

THE WORD "metooku" came back to my mind the moment I woke up. I had heard it mentioned several times but somehow did not come to ask its meaning. Apparently, it had no precise equivalent in English, or I would know its meaning; yet, it was not completely obscure to me. I knew that "met" meant "average" and "ook" meant "rule," while "u" was the usual suffix for adjectives and adverbs (the Venutians make no distinction between the two). So, literally, "metooku" would be "pertaining to or having the characteristics of the rule of the average," or "in the manner of the average rule." Yet, this did not make much sense: for though the Venutians kept praising their average way of life all the time, the *rule* of the average seemed to me a rather strange notion. As a matter of fact, I had no idea how the Venutians were ruled.

AFTER I got up, or got down from the chair-bed, I asked Fleek (the rest of the family was asleep) about the precise meaning of "metooku."

"'Metook' is 'met-ook' or 'met chee ook'," he said (that is to say, "the rule of the average"). "But we use 'metooku' in a rather lax way: not only to indicate matters pertaining to the rule of the average, but also when we want to say that something is typical for a society which is ruled by the average, or that something is good because it results from the rule of the average. Sometimes 'metooku' just means 'average' and 'wonderful'—two words which are practically synonymous."

That sounded to me like our use of the word "democratic" there on the distant Earth. "Democratic" means "pertaining to democracy," but it also means "good because resulting from democracy," or just "good" and "desirable." But of course there it was Democracy, and here. . . .

Suddenly, it flashed through my mind: "Mediocracy"! That would be the equivalent to the Venutian word. Shorter than "the rule of the average" and far more flexible! "Mediocracy" could be easily modified into "mediocratic" instead of the clumsy "pertaining to the rule of the average"! "Isn't this mediocratic?" would sound as good as "Isn't it wonderful?"

To be sure, perhaps "average" and "mediocre" are not quite identical. One could imagine the average of a certain group, or society, to be far above mediocrity. But, in reality, in the Venutian reality, average and mediocre seemed much the same.

Fleek apparently took my silence, while I was musing about mediocracy, as evidence of lack of understanding, for he said: "I think you should take some lectures in Political Science. They will explain to you all about mediocracy ['metook', he said], its historical development and all that!"

I was eager to follow Fleek's advice and he kindly wheeled us into the study room. There he found the pertinent point in the course sequence in Political Science, and we both listened to the following lecture.

> MEDIOCRACY [said the lecturer] is the best form of government and the best organization of society. It is not only *relatively* best, that is to say, better than all the other political forms; it is *absolutely* best, that is to say, no better form *can* be devised.
>
> The main advantage of mediocracy is that it serves the needs of the average. It is hardly less important, however, that it thwarts the wishes of the eccentric. Its constant practice makes for the strengthening of the mediocre tendencies: thus, once mediocracy has been instituted, it steadily progresses towards the absolute *mediocratization of society.*
>
> It is in the very nature of mediocracy to be superior to other forms of government. For mediocracy does not aspire to things which are not established: it is satisfied with what is, with the average that is, with the average the way it is. It does not want to transform, it does not want to effect big changes; it is static and contented.
>
> Being itself static and contented, it makes the citizens static and contented. This prevents tension, enhances the capacity to relax. It also makes for order in society, for order is most orderly in a static society and can most easily be maintained in such a society.
>
> Mediocracy is the last stage in the political development of intelligent creatures. It is the last because it is the best, and there is no reason, or possibility, to go beyond this stage.

IN ORDER to understand more profoundly the meaning of mediocracy, let us go back a few steps in our history and see how mediocracy developed from democracy.

At one time, when our society was still quite primitive—both in technology and in political institutions—the government used to be elected by all adult creatures. This was a very intricate, time-consuming and inefficient method of political organization. There were several candidates to choose from and you had to listen to the arguments of each as to why he should be chosen and not one of his rivals—who also used similar arguments. This was most perplexing for average people who—justly and rightly—don't like to think hard and to waste their time listening to speeches.

The burden was gradually recognized by the political leaders (for there were political leaders in those times). They simplified their arguments, cut their speeches and gradually improved campaigning to the point where all they did was open their lips and show their teeth and shake hands with the voters. He whose teeth-show and handshake were considered friendliest got elected.

This was a great progress towards mediocracy, for it was far easier for the average creatures to decide between the friendly teeth-show of two candidates and their handshakes, than between their arguments and speeches, however cut and simplified. But this kind of democracy, though quite advanced, surely was not yet mediocratic in the modern sense of the word.

The next stage came, imperceptibly, with the development of political ratology. Ratologists have known for a long time that you don't have to

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test all the rats in order to learn how rats behave in a given situation. A sample of rats is enough! Consequently, the scientists started to study the reactions of samples of average creatures to different candidates for political office. If the sample showed a preference for a certain kind of teeth-showing and handshake, they could predict that the entire population would react in this way too.

Mind you, this was still a purely scientific practice—not acknowledged as a legal political instrument. When, however, the predictions of the political ratologists repeatedly proved correct, the average population became indignant about the waste of time involved in the old-fashioned elections, and the technique of the scientists was instituted as a legal practice. Democracy thus became more scientific, less time-consuming, more efficient.

AND YET the system had a very serious weakness. Though it relieved the vast majority of the time and effort of making a political decision, there was still a small minority, those chosen to serve as a sample, that had to be asked whom they chose for the government. This was considered unjust, for why should good average creatures suffer a loss of time which others could enjoy watching television (television was already in use at that time)? If a way could be found to release *every* citizen from the duty to vote, elect, state his opinions, form opinions at all—this would be an enormous step forward in the democratic emancipation of the citizen from the political burden!

"A persistent demand to be met is bound," says a proverb. The solution to the problem came again from still another scientific development. At that time a variety of electronic machines had been in use in various fields. Those machines could solve intricate mathematical problems without ever erring and much more quickly than the best scientists. Why should not such machines be used to solve problems facing the government? That is the question which Poon loo chee niak Moon asked and research in this direction was started. Before long the Automatic Government Machine, commonly known as A.G.M., was constructed and it has served us ever since.

This machine solves any problem that could face a government in an efficient, quick, unmistakable fashion. To be sure, issues appear in the administration of society which could be handled in *different* ways. But this difficulty was met in a simple way: the solution to be found was the one which would be chosen by the majority! The predominant majority consisted of the average creatures, and the average creatures had similar attitudes and responses: therefore, it was quite easy to construct the Automatic Government Machine in such a way that it would always and unmistakably solve political problems in the average way. Thus, it became the bulwark of mediocracy!

For though mediocracy had usually had its way before, through the channels of democratic elections, it sometimes became distorted: the chosen representatives were not always as mediocratic in spirit as their bared teeth and friendly handshake indicated to the voters. Thus democracy was not *always* and *necessarily* mediocratic. Now, the A.G.M. assured the genuineness of mediocracy in any decision made.

Mediocracy in its automatic form can be regarded as the last stage and the perfection of democracy. And the most wonderful thing about it is that this perfection is enjoyed without effort or cost to society. No more elections, no more troubling a sample with questions, no more problems for politicians and governments! A machine does it all, and will do it for ages to come, in a true democratic-mediocratic spirit, while we can enjoy leisure: take a ride in a "pfloo," watch television, have parties, show slides, and do whatever our heart desires.

Seventy-seven cheers for mediocracy!

THE LECTURE was over and Fleek stopped the film. "I never get tired of listening to that marvelous lecture," he said. "I have heard it innumerable times! It is wonderful! It shows our wonderful way of life: Mediocracy! We, the average creatures, are the rulers of the world, and yet we don't have to move our posterior [a literal translation of the Venutian phrase meaning "to lift the finger"] to make a political decision! Isn't it wonderful?"

"It certainly is," I said. "But tell me: are there no political discussions in your world? In my own world, a democracy without some sort of a parliament [they had a *word* for 'parliament' in Venutian!] would be unthinkable!"

As soon as I asked it I realized the stupidity of my question: why discuss a problem solvable by a machine! Fleek's answer came as a surprise:

"Sure we have a parliament! They discuss politics all right! If you like, I'll take you there! It's fun to listen to them. We even have it sometimes on television."

I told Fleek that I should like very much to see the parliament, if he would be kind enough to take me there while it was in session.

"It is always in session," Fleek said. "It never stops, it never closes! It's big fun! We may go there as soon as you wish. Let's wait only till Bleek wakes up. And maybe Block will want to join us!"

I thanked Fleek very much and expressed the hope that it was not too long a journey.

"Oh no!" said he. "It is only a ride of about 5/10,000 'blin-blan' to the nearest parliament!"

"Do you have more than one parliament?" I asked surprised.

"Oh, countless!" was the answer. We have to make our political institutions accessible to everybody. Otherwise they would be neither democratic nor mediocratic. There is a parliament within the distance of 1/100 'blin-blan' 'pfloo'-ride of every home! That is one of the political decisions made by the A.G.M."

This was rather mystifying. In order to camouflage my ignorance I said: "I hope the parliament we are going to is one of the interesting ones and that they will be discussing some issue of importance."

"What do you mean by saying 'one of the interesting ones'?" said Fleek surprised. "They are all precisely similar and all of them always discuss the same thing at a given moment!"

I decided not to ask any more questions. Countless parliaments, evenly dispersed, identical and permanently in session—it reminded me of a chain-store with a branch in each neighborhood, or perhaps rather of the almost-identical laundromats in America which remain open twenty-four hours a day, seven days a week.

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Still, I was impatient to see a Venutian parliament.

Before long, Bleek woke up, but did not feel like joining us. Blook, however, was delighted to come along. In a short while we were all in a "pfloo" going to the nearest parliament. After a trip of about three and one-half hours we reached our destination and went down in an elevator, which brought us directly to the gallery of the parliament. The gallery had only one semi-circular row of chair-backs: obviously, more rows would not be practical, as the Venutians could not move on steps or on a sloping floor. But there did not seem to be a need for more than this, for I noticed only three Venutian spectators besides my companions. The chair-backs could be turned into beds—Fleek did so with his and instantly dozed off.

THE ASSEMBLY room below was semi-circular and contained six semi-circles of rows, increasing in length as the rows came closer to the gallery: the first row contained twelve seats; the second, fifteen; the third, eighteen, and so on. I calculated that there were 117 seats altogether. These did not include a seat occupied by a Venutian facing the assembly who had the most prominent place, at the geometrical center of the circle (if the semi-circle had been continued). "That is the speaker of the parliament," Blook told me.

I was pleased to notice that the house was full: in fact, not a single seat was vacant. Apparently, I concluded, I had the luck to arrive at a time when some important discussion was going on.

My attention was focused on the speaker who, at this moment, was banging with a gavel on the small table before him, shouting in a sonorous voice: "Order, order please!" I was surprised by the voice: even discounting my more sensitive hearing, this speaker had a tremendous voice in which quality, volume and pitch blended to perfection. "At least they know how to choose the right man for a speaker," I thought.

The call "order, order please" was repeated several times, together with the banging. I was a little puzzled by it, for I failed to notice any disorder in the assembly. True, preceding this outburst of the speaker, there had been a single exclamation from one of the back benches in the middle of some speech of a front-bencher, but that was all.

FINALLY the speaker stopped, retaining the gavel in his hand in a way suggesting an immediate resumption of banging at the slightest sign of disorder.

"As I was saying, before I was interrupted by the honorable member of the opposition," continued the front-bencher, "we have every good reason to be proud of our achievements. We have prosperity, everyone has all his needs gratified. With due respect to humility, we can say that the government should be proud of its management and. . . ."

Here a shout from the opposition back-bencher (the same one as before) silenced the government supporter: "Don't talk of humility, you proud hypocrite!"

This provoked another series of "order, please order" with bangings from the speaker, who seemed to enjoy himself by repeating his disciplinary rebukes to a perfectly silent assembly and letting his gavel go banging. Blook seemed to enjoy it too, for he exclaimed quite loudly: "Go on banging, go on!"

I was somewhat ashamed of his behavior, but nobody seemed to bother about it and the speaker, so sensitive about order, did not show the slightest reaction. He stopped again, the gavel in his hand, resuming the motionless but ready-to-act position, strangely identical with the former posture.

I took a closer look at the speaker and all of a sudden I saw: the speaker was a dummy! He was a very good dummy — looked almost alive —but now I realized that both his movements and his immobility were purely mechanical, had no life in them. I recollected how his lips moved while he was talking—the coordination was perfect—but he was a dummy.

I no longer listened to the speech which was resumed by the government supporter—this time without any additional interruptions. I focused my attention on the dummy-speaker, hypnotized by his motionless, about-to-go-into-action posture.

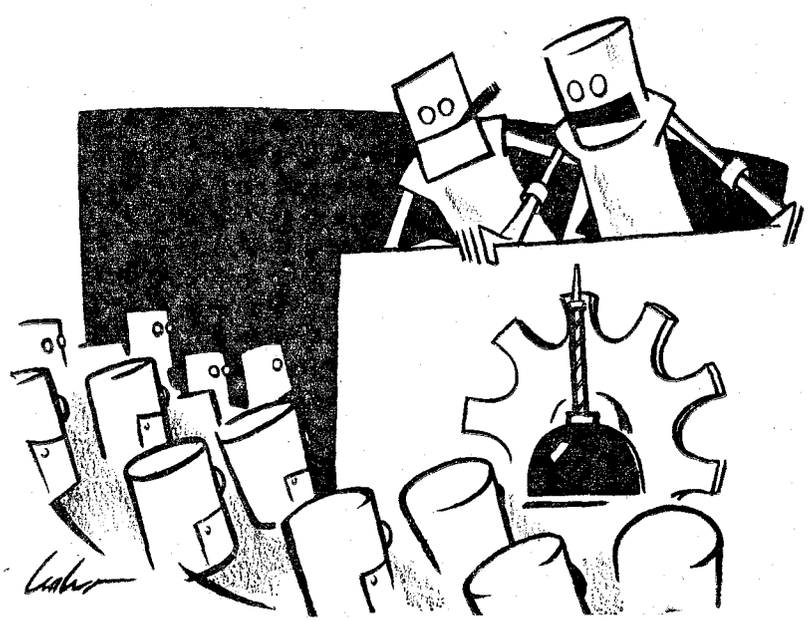
"I see that the speaker is a dummy," I said to Fleek after a while, in as cool a voice as possible. I did not want to show surprise at what they must have regarded as normal, and yet I wanted to induce him to tell me more about this strange arrangement.

"I beg your pardon?" said Fleek, waking up.

When I repeated my statement, Fleek said: "Of course! The speaker and all the rest of them."

"What? Do you want to suggest that all the members of this parliament are dummies?" I exclaimed, unable to hide my surprise any more.

"Of this parliament and of all the rest of them," said Fleek. "You could



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not expect progressive living creatures to spend their precious time in discussing things which are best resolved by the government-machine. That would be undemocratic! After all *everyone* is entitled to watch television or to take a ride in a 'pfloo.' Why should one waste one's time on idle talking? Dummies can do it just as well. Far better, as a matter of fact! For they speak some of the most famous speeches in our history. The most famous controversies and the best speeches and discussions have been tape-recorded into these dummies!"

"But, but," I stammered, "if they are not alive. . . ."

"They have the additional advantage," interrupted Blook, "of being permanently in session. They never get tired and the tape does not get tired."

"But then they repeat themselves," I tried to argue.

"True," said Fleek, "but who does not?"

I remained silent and Fleek, not getting any response, continued after a while:

"Well, my dear creature, I understand your astonishment at these perfect arrangements in our parliaments. They are the result of a long evolution. There was a time when, instead of having so many conveniently located identical parliaments, we had one parliament only, with 117 *living* representatives, plus a *living* speaker. They were divided into two parties, a majority party supporting the government (which was not automatic at that time) and an opposition party criticizing the government."

"That is the way democracies work in my world," I threw in with satisfaction.

"But you have to admit that it is not an efficient arrangement," said Fleek. "The amount of talking by the many representatives used to delay decisions, which ultimately were taken along the party lines anyway. So, with the progressive evolution of our parliament, the making of speeches became restricted to the leader of the majority party and the leader of the opposition. An occasional exclamation of a back-bencher was, however, tolerated.

"Then it was realized that it was useless for so many people to sit in parliament and to wait for the moment of a vote, the result of which was always known beforehand. It was decided to reform the parliamentary system by replacing 113 of its living representatives by dummies. Only the leaders of the majority and the opposition and one back-bencher of each, as well as the president of the assembly, remained as living members. The leaders made speeches and whenever there was a division, each of them pressed a button and the dummies of each party raised their hands to support their respective leaders. Periodically, the number of the dummies of each party was adjusted to the results of general elections."

"What a strange parliament," I thought. "Yet it is essentially democratic."

"It was only with the invention and the establishment of the A.G.M.," continued Fleek, "that our parliamentary system reached the ultimate stage of its development. The A.G.M. decided, and it was no longer necessary for the five living parliamentarians to waste their time in performing the strenuous political duties. They, that is to say, those who might have found themselves in the parliament if the A.G.M. had not been invented, can take a ride in a 'pfloo' or watch television, or have parties and show slides. They are free! The entire parliament consists now of dummies!"

"But then," I asked, "Why have a parliament at all? If it makes no decisions, if no current issues are even discussed, but only some historical controversies and speeches tape-recorded, why have this mock dummy-parliament at all?"

"We like to maintain our traditions," replied Fleek. "Our parliament is innumerable 'blin-blan' old. We would hate to see it disappear."

"But this is not any more the same parliament," I argued. "This is, this is. . . ."

I was looking for a word in Venutian corresponding to "caricature," but could not find one. Fleek helped me out in his own way.

"This is a far more progressive parliament," he said. "For, while keeping to our tradition, it has surpassed the dreams of political reformers: we have today many parliaments, they are identical, continuously in session, fully attended, and the best speeches in our parliamentary history are made in them. Isn't it a tremendous progress?"

I did not answer and Fleek added: "And, besides, they have an enormous educational value, for they are all within reach of everybody and especially children get here an excellent schooling in good citizenship." Here Fleek turned to Blook and asked: "Don't you like it here, Blook?"

"Oh," said Blook, "I love it! Especially when the speaker is banging with the hammer."

LETTERS

(Continued from inside front cover)

though Mr. Kennedy undoubtedly is. But it takes more than ordinary optimism to believe that a man who does not know the meaning of strong conviction at forty, is likely to evolve into a man of high principle by way of the cynical road the Senator has traveled these several years past.

EDWARD SCHINDELER

Coral Gables, Fla.

Dear Sirs: Whether Kennedy wins in November or Nixon, we'll have the first Organization Man in the White House next January. Nixon represents big business; what Kennedy will represent, will be nobody's business.

LEE GREGORY

Two Rivers, Wis.

The Real Question

Dear Sirs: In Stuart Palmer's article "Eichmann and Ourselves" (Aug. 20), Mr. Palmer believes "The fundamental question is how men can proceed so that children do not grow up to be Hitlers and Eichmanns." As long as there is mental illness in the world, there will always be potential Hitlers and Eichmanns. The fundamental question therefore is: "How can men proceed so that society does not elevate these men to positions of power?" The shocking thing is not that there are crazy people in the world, but that a whole nation can follow them.

PEGGY PAPP

New York City

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BOOKS and the ARTS

The Art of An Uncomfortable Man

BRECHT: THE MAN AND HIS WORK. By Martin Esslin. Doubleday & Co. 360 pp. $4.50.

Jerry Tallmer

TO SIT DOWN in the season of Lumumba and Castro, of the Powers' trial and the rockets' red stare and the reemergence of Molotov, to write a *book review* seems about as useful an occupation as the weaving of raffia belts in a mental institution. Yet, strangely, I can think of no recent event more apposite to the times than Esslin's biography of Brecht. Let us consider, for instance, a last thing Brecht is reported to have said as he approached death:

> Don't write that you admire me! Write that I was an uncomfortable person, and that I intend to remain so after my death. Even then there are certain possibilities.

A Galileo to the end, playing it brazen, playing it safe, believing nothing, believing all; for Bertolt Brecht there was never any hope and there was always hope. Another kind of pessimist named Walter Lippmann shifts gears at the very last instant of his lucid and terrible dispatch from Paris on the fatal morning of the failed Summit, to genuflect briefly, irrationally, desperately toward certain eternal possibilities of hope. It springs eternal until now, at any rate, when we see even Khrushchev more and more falling into the habit of invoking the name of a deity whose existence he is dialectically required to deny. We are in the age of the cynical idealist, in all camps and every walk of life, but most especially among those who in any camp would like to think or shape or create or survive. In this sense Bertolt Brecht was a Summit character in his own right — one-third Villon, one-third Schweik and four-thirds The Cat Who Always Lands on His Feet. There are many of us cats; but one or two in a hundred million (Picasso is the other one) not only milk their age but fortify it, give it calcium and bones. One of the most complicated human beings of the past fifty years, Brecht was also a dynamic playwright and, beyond that, a great poet. It is what makes him worth analyzing, explaining, arguing about, and no one in the fifty years has come within touching distance of Martin Esslin in his prismatic and invaluable study. How often does a volume of critical analysis make *your* blood race faster? The last time for me must have been ten years ago with William Empson. But Empson introduced me to ideas; Mr. Esslin — a Hungarian Viennese Englishman who has been writing scripts for the B.B.C. for the past fourteen years — opens up to me the brain and soul of a man. What is most exciting of all is that the man turns out to be the very one that I was groping for, and the very opposite of the inexplicable shadow-form that the obfuscators (and worse) have been determined to foist on us all these years.

THE problem with Brecht was that nothing I ever read or heard about the plays, the playwright, or his methods seemed to have any slightest correlation with what *happened* to me when I sat there watching the plays or reading them. I knew — from being told it a thousand times — that we are supposed to respond only with a detached intellectual appreciation mixed with a sort of desire for instruction; to my puzzlement and distress I always found myself being moved, involved, affected in varying degrees, and sometimes (*Threepenny Opera, Seven Deadly Sins, Private Life of the Master Race*) deeply affected. This would obtain even during what I considered inferior adaptations or productions (Lotte Lenya apart, the Theatre de Lys *Threepenny*), and obviously there were many thousands of contemporary Americans on whom the impact was just as forceful. Where was the *Verfremdungseffekt*, I kept asking myself, the famous "alienation effect"? And once or twice in theatre reviews I would dare to write: *If Brecht intended us not to be moved by such-and-such, then he has failed; but in all else he has not failed.* . . . Furthermore, my emotions toward the characters in the plays were always all mixed up: for example, Mother Courage, whose acquaintance I made by reading the play before reading anybody's profundities, even Brecht's, about it (oh yes, he was the prime obfuscator, and self-obfuscator, of them

JERRY TALLMER is associate editor and drama critic of The Village Voice *(Greenwich Village, New York).*

The Frozen Ink of Francois Villon

"Dried up and black as a baker's mop,"
So he described himself as the ink froze.
Done with the Bishop blessing streets,
Done with the girls, taverns, and thieves,
Done with the powerful operator of picklocks,
Done with Margot, bloated as a dunghill beetle
(We both love filth and filth runs after us),
Done with the cymbals, the lute, and the dice,
He stared at the ink frozen on the table.

"That man is lucky who has nothing.
I have my luck, I have my frozen ink.
I was born in the year that Joan was burned.
Child of poverty, I heard the hungry wolves
Prowl through Paris to kill women and children.
For a man who's poor, the high mountains
Will move neither back nor forth. They tower
Over the roaches that move in the sour milk,
As I stare at the ink frozen on the table."

"Where are the snows of the past? They are here.
I am sentenced to leave Paris for ten years.
Tortured, starved, chained, I am free to die;
Even princes have a destiny of death,
Yet I think of towns with the gift of hope."
Fleeing Paris and the poor for his death,
He left the frozen ink in the room
And disappeared into the January snow.
Slowly, the ink unfroze on the table.

JAMES SCHEVILL

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all). Later I found out that we were supposed to deplore Mother Courage, her stupidity, her narrowness, her greed; why then had I so completely conceived her as broad rather than narrow, earthy rather than stupid? Why had it been exactly her endless female tenacity that had compelled me to give myself over to a play which I would otherwise not much have liked?

The fact of the matter is that Brecht *had* failed; as didactic propagandist, as dramatic theorist, he was in everything almost an utter failure; worse than that, his dramas very frequently worked in direct opposition to their aims. Mr. Esslin explores some of the initial reactions to *Mother Courage*, thus shedding a light that no one ever cast my way before:

> When *Mother Courage* was first performed at the Zurich Schauspielhaus . . . [the public was] moved to tears by the sufferings of a poor woman who, having lost her three children, heroically continued her brave struggle and refused to give in, an embodiment of the eternal virtues of the common people.
>
> Brecht was furious. He rewrote the play to emphasize the villainous side of Mother Courage's character. As he put it in a note to the text of the play . . . : "The first performance of *Mother Courage* gave the bourgeois press occasion to talk about a Niobe-tragedy and about the moving endurance of the female animal. Warned by this experience, the author has made some alterations for the Berlin performance."
>
> . . . Brecht himself supervised the Berlin production. . . . [It] was a triumph. But how did the leading Communist critic, Max Schroeder, describe its impact? "Mother Courage," he wrote, "is a humanist saint from the tribe of Niobe and the *mater dolorosa*, who defends the life to which she has given birth with her bared teeth and claws. . . ."

And in an earlier chapter — the book brilliantly goes at Brecht four ways, as man, as artist, as political animal, as bedrock antagonist of *all* Establishments ("the real Brecht") — Mr. Esslin has already informed us:

> The East Berlin audience who followed the adventures of Mother Courage and saw poor dumb Katrin raped by the brutal soldiery, knowingly compared what they had seen in the theatre with their experiences with the Russian soldiers, and concluded that in fact human nature had *not* changed. . . .

Little wonder that an unraped American some years and miles removed should be perplexed by the contrast between what he was meant to find and what he actually found before his eyes. And what was true for *Mother Courage* was true, as Mr. Esslin shows us, for virtually everything Brecht ever wrote. His work was always in sprung steel-wire tension between what he wanted to do and what he couldn't help doing. It was exactly this that gave it acidity, poignance — and genius. When, under pressure, he once or twice forced himself into the mold of sheer unadulterated agitprop, it came out sheer unadulterated drivel. In Bertolt Brecht we see, under Mr. Esslin's clear gaze, the prototype of the artist as Ibsen's onion, layer within layer, protection within protection, right down to the immutable pulp.

OR that other thing which is the surviving artist of any era, any land, be he Leonardo or Truman Capote: The Cat Who Always Lands on His Feet. What a headache Brecht was for the Russians! — and what a headache they were for him. What scorn he had for their Stanislavsky, their anti-"Formalism," their sentimental (as he saw it) "realism"! A scorn perhaps matched only in his moment of grotesque, bland befuddlement of J. Parnell Thomas. In two minutes he twisted that gentleman altogether arsy-versy — only to emerge from the hearing (October, 1947) as one of the few *truly* subversive witnesses ever to be thanked by the Un-American Activities Committee for the graciousness of his performance. The reservation for his flight to East Berlin was already in his pocket.

A day or two later he was on his way. All his life, a day or two later — or two days before — he was on his way. The day after the Reichstag fire he had left Germany. As Hitler's troops swarmed through Finland, he had departed — across the vast Soviet Union — for Vladivostok. Ten days after the Germans invaded Russia, he was on the high seas bound for America. His final leave-taking was just as neat. "With his usual uncanny sense of timing," Mr. Esslin drily remarks, "Brecht died ten weeks before the outbreak of the Hungarian revolution" — a revolution which would have given him guilt feelings far graver than those stemming from the East German uprising of 1953.

The real Brecht — this is the simple solution of the "mystery" — was an important artist, a great poet, in spite of himself, pinioned mercilessly on the double-pronged dilemma of our time. To use force against force, or not to use force. To replace the old with nothing worse than the old. To resist to the death, but not to die. To oppose the lie with no fouler a lie.

But can it be done? Mr. Esslin slices a marvelously revealing anecdote out of a Brecht short story entitled "Measures Against Violence":

> [There was] a man whose home was invaded by an agent of authority who asked him: "Will you serve me?" Without saying a word the man served the agent of violence for seven years until the intruder finally got so fat that he died. The man wrapped his body in an old blanket and threw it out of the house. Then he washed the bedstead, whitewashed the walls, breathed a sigh of relief and answered: "No."

Thus Schweik, thus Brecht, thus Martin Esslin, himself a refugee, in every inured worldly-wise penetrating line of this critical-biographical-historical masterwork; and thus myself and all political or apolitical hedgehogs everywhere in this era of the deaths of civilizations and planets, when drama and poetry must go down like all the rest. But are there not certain possibilities? Brecht's motto was: "The truth is concrete." Let us, like him, pray it is not.

Fabian Gossip

THIS LITTLE BAND OF PROPHETS: The story of the Gentle Fabians. By Anne Fremantle. The Macmillan Co. 256 pp. $6.50.

Keith Hutchison

IN 1884 the Fabian Society was founded in London by a handful of middle-class intellectuals. Their aim was to reconstruct society, "as based on the competitive system, in such a manner as to secure the general welfare and happiness." At the time this seemed an absurdly ambitious program. Victorian individualism was still rampant; and, although in fact the foundations of the Welfare State were already being laid, the huge superstructure that was to be built on them could hardly be visualized even by the founding Fabians.

The leading role of the Fabians in the transformation of Britain has been fully acknowledged by the historians. Yet the only history of the Society itself has

KEITH HUTCHISON, a former associate editor of The Nation, *wrote* The Decline and Fall of British Capitalism.

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been a modest volume written by E. R. Pease, its secretary for twenty-five years, which was originally published in 1916 with a revised and slightly extended second edition appearing in 1924. There is a serious need, therefore, for a book which brings the chronicle up to date and corrects the bias of Mr. Pease who wrote at a time when the Society was strained by friction between the old collectivists, represented by the Webbs, and the young Guild Socialists headed by G. D. H. Cole.

I REGRET that this need has not been met by Mrs. Fremantle's sentimentally titled work. Her book has some of the apparatus of scholarship — documentation (not always accurate) and a fairly adequate bibliography — but it is not scholarly. It is poorly organized, chronologically muddled, inexact in many of its statements, and flawed by more proof-reading errors than any book I have read for a long time. Moreover, the author, an Englishwoman who contributes frequently to *The Times*, *The Manchester Guardian* and *The New Statesman*, writes at times like a hack from Henry Luce's stable. This bad influence is revealed, not only in her penchant for gossip, but in her addiction to bastard verbs used in the past tense — "gloomed," "grumped," "quipped," and so forth. Has even *Time* ever perpetrated "they 'Pilated,'" meaning presumably, to wash hands of responsibility like Pontius Pilate?

I had hoped that this book would provide a full account of the activities of the Fabian Society since 1918, a period during which its relationship to the Labour Party entirely changed. In these years it suffered many vicissitudes and its original leaders passed from the scene. Yet the Society continued to show immense vitality while other Socialist affiliates of the Labour Party withered.

Unfortunately, Mrs. Fremantle's treatment of this period is extremely sketchy. More than 80 per cent of her pages covers the same ground as Pease's work, that is to say the first thirty-six years of the Society. Nor does she add much to the account of her predecessor, apart from an embellishment of gossip. Gossip is undoubtedly among the legitimate ingredients of historical writing, and historians from the time of Herodotus have made use of it. But it ought to be relevant to the subject and, while H. G. Wells's seductive ways did have a bearing on his quarrel with the Fabians, there is no good reason for Mrs. Fremantle to drag in the story of Bernard Shaw's loss of virginity — the achievement of a non-Fabian young lady.

As to the author's carelessness about facts, space allows me to quote only a few samples. There is, for instance, her ascription to Barbara Ward of statements about the political influence of Wesleyanism which appear to have been summarized from Mary Agnes Hamilton's biography of Arthur Henderson. There is the wildly inaccurate assertion that "hundreds of thousands of British subjects" were imprisoned for the duration of World War II. Again, Lord Haldane is said to have been a member of Lloyd George's cabinet in 1919, a slander calculated to make him turn in his grave. And the original publication of the Zinoviev Letter, which contributed to the Labour defeat in 1924, is blamed on *The Times* instead of *The Daily Mail*. Among the misspelled names I noted that Lord Askwith, the industrial-relations expert, is called "Asquith" while, rather comically, Trotsky is given the first name of "Lean."

Talk Across the Religious Fence

Robert McAfee Brown

THERE IS a level of Catholic-Protestant discussion (if "discussion" is not too polite a word) that is familiar to every American. Whether the issue is Senator Kennedy's fitness to live in the White House, or the building of a new parochial school, almost all the give-and-take makes clear that Protestants and Catholics have basic disagreements about public issues. Religious controversy, particularly when heated, always makes good copy, and with birth control thrown in there is even a sex angle.

But another level of Catholic-Protestant discussion is beginning to emerge in America, and although it is not the stuff of which headlines are made, it may turn out in the long run to be of greater importance. This level is the new concern of both Catholics and Protestants for serious discussion of the theological issues that have separated them since the sixteenth century.

At first thought, the layman may feel that such differences can be left to the theologians, that in the long run they don't make as much difference as one improperly used school bus. But this judgment overlooks the fact that the differences between Catholicism and Protestantism are not simply political or sociological or economic or ethnic; that basically these differences are theological. The current hue and cry over birth control, for example, cannot be fully understood in political or sociological or economic or ethnic terms. For what separates Catholics and Protestants here is not simply a combination of those factors, but a basic difference of theological outlook on such matters as the meaning of God's creation of male and female, the proper use of relevant Biblical material, the purpose of marriage in the sight of God, the importance of "natural law" in understanding the relationship between the sexes, and so forth. And it is one of the merits of Richard Fagley's timely and lucid book, *The Population Explosion and Christian Responsibility*, that it moves, in the course of its pages, from sociological to theological analysis, and that it charts fairly and clearly the Catholic and Protestant differences that emerge. The issue of birth control, in other words, is ultimately a theological issue and cannot be fully understood in non-theological terms.

This means that all of the other areas of immediate Catholic-Protestant tension (from the status of Senator Kennedy on down) have a theological

Gregory Baum. *That They May Be One*. The Newman Press. 181 pp. $3.50.
Oscar Cullmann. *A Message to Catholics and Protestants*. William B. Eerdmans. 57 pp. $1.50.
C. J. Dumont. *Approaches to Christian Unity*. Helicon Press. 226 pp. $4.50.
Richard M. Fagley. *The Population Explosion and Christian Responsibility*. Oxford University Press. 260 pp. $4.25.
Jaroslav Pelikan. *The Riddle of Roman Catholicism*. Abingdon Press. 272 pp. $4.
Philip Scharper, editor. *American Catholics: A Protestant-Jewish View*. Sheed and Ward. 235 pp. $3.75.
George H. Tavard. *Holy Writ or Holy Church*. Harper & Bros. 250 pp. $5.
Protestantism. Hawthorn Books. 139 pp. $2.95.

ROBERT McAFEE BROWN is co-author, with Gustave Weigel, S. J., of An American Dialogue, *soon to be published by Doubleday. Dr. Brown is Auburn professor of Systematic Theology at Union Theological Seminary.*

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rootage. The books listed here represent efforts on both sides of the fence to come to grips with some of these theological problems — problems that will remain long after the November elections determine whether or not there is to be "a Catholic in the White House." They are not dealing with political consequences; other books do that. But they are dealing with the areas of Catholic-Protestant difference out of which political consequences inevitably emerge.

THE DISCUSSION starts with the recognition of an impasse: the Catholic Church believes itself to be the only true Church of Jesus Christ, which means that only by returning to it can Protestants be fully incorporated into the Body of Christ; Protestants, on the other hand, believe that the Reformation represented a recovery of the gospel which medieval Christendom had lost, and which is less and less present in contemporary Catholicism as a result of the dogma of Papal Infallibility (1870) and the recent dogma of the Assumption of the Virgin (1950). To make matters more difficult still, both groups acknowledge that it is clearly the will of Christ, whom both acknowledge to be the head of the church, that his church should be one. And yet the two groups have mutually irreconcilable terms of reunion. There seems no way, humanly speaking, by which the impasse can be overcome.

But the writers responsible for the books cited above are convinced that the end of the road has not been reached when human possibilities have been exhausted; on the contrary, they believe that that may be the very point where the beginning of the road is to be found. Where the road truly ends lies within the mysterious province of God, but at least it begins with the need for Protestants and Catholics to understand one another better. At the very least, the grosser stereotypes can be dispelled; and in the remaining disagreements, the participants can agree to disagree about the right things. All this represents clear gain in an area where so much of the disagreement is based on misunderstandings.

The Sheed and Ward publication, *American Catholics: A Protestant-Jewish View*, is a good introduction to the new winds stirring on the interfaith scene. That a Catholic publishing house should have asked six non-Catholics to write candidly and freely about American Catholicism, so that American Catholics could see themselves as others see them, is a healthy and en-

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couraging symptom of a new level of Catholic concern. And as one who participated in the project, the present writer can state that the Catholic editor not only gave every courtesy to the non-Catholic participants, but scrupulously maintained their right to be as critical as they desired.

Jaroslav Pelikan's *The Riddle of Roman Catholicism* is a more detailed and comprehensive Protestant appraisal of Roman Catholicism. Professor Pelikan's lucid prose keeps his scholarship from becoming a barrier between himself and the non-theologically trained reader, but it is apparent from the notes that he has read Catholic literature with diligence and care, and that the picture he presents, while critical, is one which the Catholic can recognize as accurately drawn.

FR. DUMONT'S *Approaches to Christian Unity* illustrates one level of Catholic approach to the problem of reunion. The main burden of his book is an attempt to show how the life of liturgy and prayer will thrust the Catholic into a real concern for the "separated brethren."

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Outside, on the clear
Black midnight glass,
Two yellow moths
Were spread against the windowpane,
And bells of spring forsythia,
Touched by the inside light,
Moved soundlessly.

DIONIS COFFIN RIGGS

These short chapters, originally independent essays, will not only help the Catholic to relate the festivals of the Christian year to the concern for unity, but will also help the non-Catholic to see that Catholic interest in unity comes from the life of prayer and not from the desire for political power.

Fr. Tavard, a French Catholic who has lived in the United States for a number of years, contributes two books which exemplify different levels of the Catholic-Protestant discussion. The volume entitled *Protestantism* is simply a descriptive statement for Catholic readers. The thesis of the book is that "An educated Catholic must know something about Protestantism." Fr. Tavard has read widely in Protestant literature and he reports fairly. In a full-length review the present writer would have a number of bones to pick with him, but they would be mostly on matters of detail, and as a vehicle of information for Catholics, his book can be most helpful.

Fr. Tavard's *Holy Writ or Holy Church* is clearly the most important recent contribution to basic Catholic-Protestant discussion. It is not a book that the layman is likely to read, but it is a book that any theologian, whether Protestant or Catholic, ignores at his peril. For here is a careful treatment of one of the enduring areas of Protestant-Catholic disagreement, namely the relationship between Scripture and tradition. (The historic Protestant position has been *sola Scriptura*, while Catholicism has given equal place to Scripture and tradition, and actually, as Protestants feel, allowed tradition to become normative over Scripture.) Fr. Tavard's fully documented historical study has two consequences of utmost significance for future discussion: (1) he makes clear to Catholic readers that the place of Scripture is much more important than they sometimes acknowledge; and (2) he forces Protestant readers to reassess the possible place that tradition could occupy in a Protestant ethos.

ON a similar level of documented scholarship is the comprehensive treatment by Fr. Baum, *That They May Be One*, which analyzes recent papal utterances on the problem of Christian unity. Both Catholic and Protestant scholars will be indebted to the author for his clear guide through the baffling maze of papal statements over the last sixty or seventy years. Fr. Baum's conclusions will give encouragement to those who are eager for increasing signs of "openness" on the part of the Holy See to discussion of issues involving Christian unity.

The reader may still be wondering if all this kind of writing is not far from the life of ordinary Protestants and Catholics. Oscar Cullmann's brief *A Message to Catholics and Protestants* pulls the discussion back down to the arena of Catholics and Protestants living in the same town with one another. Cullmann, an eminent French Protestant scholar has no illusions about "unity" between the two groups. But he feels that they can give practical expression to their "solidarity" as Christian brethren. He suggests "an offering for one another, by the Catholics for poor and needy Protestants, by Protestants for poor and needy Catholics, which both sides would arrange for the Sunday of the yearly week of prayer." This would not compromise the theological integrity of either group, but it would demonstrate that each group is concerned about the other. Cullmann is well aware of objections to his proposal, and effectively answers half a dozen of them. He also gives enough examples of ways in which this tangible expression of concern has been practiced in Europe to suggest that it can really help to ameliorate bitter feelings.

So what? This is the question many people ask about the kind of Protestant-Catholic discussion these books represent. Does it really make any difference in the long run, let alone the short run?

A good many Protestants discount it as time-wasting nonsense. "The Catholics who engage in this sort of discussion are charlatans," they say, "and the Protestants who are taken in by

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them are dupes." When such critics talk about Catholic-Protestant dialogue, they prefix the adjective "phony." Some Catholics would share the feeling that the dialogue is useless. "We have the truth," they say, "anyone who wants unity need only apply to the nearest priest for membership in the true Church. We can afford to wait."

But one can also appraise the dialogue in terms that are less cynical. For the primary intent of these writers is not coercion or conversion, but conversation. It is a search for understanding. Furthermore, it is a search for understanding based on honesty rather than on an attempt to score points, not for the purpose of demolishing the opponent but of getting closer to him. And it is based on mutual recognition that there is something terribly wrong with the animosities that sour the air whenever Catholics and Protestants engage in debate over political measures.

The whole approach of these books, in other words, suggests that there could be a new atmosphere for Catholic-Protestant relations, and that a lot of Catholics and Protestants already want it. One reads these discussions of faith with a mounting hope that they may help to clear the air a bit, because it is so patent that the concern of each of the authors is rooted in love.

Circulation 'Bloody Low'

Barry Spacks

LOOKING through the first volume of *The International Guide to Literary and Art Periodicals,* which promises to be a yearly directory to little magazines throughout the English-speaking world, I thought of a friend who, like myself, has at various times been involved with various "littles." He remembers them all with nostalgia, but as a mother who has raised a host of children often does, he holds a special affection for the first-born. This was a quarterly called *Intersection,* which survived, despite "typographical errors, uneven impressions and shifting margins," through two issues in 1953. It was hand-set and hand-printed by the editors. Of all the reminiscence about *Intersection* I've heard, I retain one detail especially. The second issue was prepared in deepest winter, and the ink for the hand-press had to be unfrozen on the cooking range before printing could proceed in an otherwise unheated attic apartment. The image of editor-printers unfreezing their ink while freezing themselves sums up for me a good deal of the devotion and excitement, the humor and the poignancy, of little-magazine publishing.

The International Guide, edited by Mary Carol Bird and printed in London by Villiers Publications, is an offspring of *Trace,* itself a little magazine devoted to tracing, five times a year for the past eight years, the rise and fall of small periodicals. James Boyer May, founder of *Trace* and long-time resident of Hollywood is, in fact, one of the grand old men of the little-magazine movement. The summary he gives of his background seems an archetype of what the experience of all little-magazine editors should comprise: "newspaper reporting and editing, editing of house organs, a trade periodical, a government agency publication, personnel work (both army and civilian); student of contemporary writings, free-lance writer, with four decades of publication of short stories, poems, articles, essays, both in periodicals and books." The custodian of an independent little magazine must be, like Mr. May, variously accomplished and quick on his feet. As a case in point, I quote from my favorite entry in *The International Guide,* the one for *New Vision,* alive since 1952. "No contributions taken. Publication is devoted to the writings of L. Ian Fearn." Needless to say, it was L. Ian Fearn who founded *New Vision.*

AND THE charm of the *Guide,* which is intended for utility and not for entertainment, lies just here, in its introduction of a cast of editorial characters whose manifestoes and biographies often recall a more free-wheeling and confident era in American literary history. For the great days of the little magazines, the days when their influence and vitality were at a peak, are already a full generation and more behind us. That a few of the earlier journals have survived, survived both the exile-renaissance of their birth and its depression aftermath, survived social commitment, the new criticism, the Second World War and the Great Apathy of the moment, is a testament to the endurance and, perhaps, the unworldliness of their guiding spirits. That such magazines are still launched in numbers—the *Guide* lists more than five dozen heard from for the first time during the past two years

BARRY SPACKS teaches in the Department of Humanities at M.I.T.

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alone—is an indication that the little magazine, coming into middle age, might now be classified as an institution in its own right, a stabilizing influence on the literary scene.

We assume the continued presence of these magazines, and "little-magazine writing" approaches the quality of a sub-genre. Seldom does a new little magazine attack literature, as so many used to do, with revolutionary intentions. Felix Pollak, curator of rare books at the University of Wisconsin, makes the point in one of the three essays prefaced to *The International Guide:*

> The most obvious difference between the current littles and those of the twenties and early thirties seems to be the catholicity (or wishy-washiness?) of today's typical editorial policy. "We belong to no school, have no preferences and prejudices . . ." is an ever-recurring theme in current editorial pronouncements. Compare this with the fervor with which the littles of two and three decades ago flung their aggressive artistic and ideological manifestoes into the eyes of the Philistines and into the ears of their rivals in the one and only true aesthetic theory or world-saving program!

The little magazine is more conservative than it used to be, has less influence, and by and large generates less excitement in its readers and contributors. And if any one bogey is to be trotted out in explanation of this fact, it must be that old paradoxical one, the-success-that-kills. For the little magazines have indeed been successful, more successful than they could ever hope, or afford to be. In place of "earth's fragile children," the affectionate name they bore when they lived exclusively undernourished, fugitive lives on the economic and literary outskirts of the culture, they might now, many of them, be called "robust academic playthings." The little magazines have won acceptance, subsidy, even circulation. And ceased to be little magazines. So thorough has this change been that a distinction is now usually made not only between the large "quarterlies" and the little magazines, but between any institutionally sponsored publication, no matter how closely in appearance it resembles the independent "little," and the real article itself.

AN EXEMPLARY case is that of the *Beloit Poetry Journal,* which pressed its mild *avant-garde* tone a bit too far for the trustees of Beloit College, and lost its collegiate subsidy; now independently produced by the editors and up against it financially, it is much more a proper little magazine than it ever was before. For the essential quality of such a magazine is that it be untrammeled, responsive to no official patron and to no standards of established taste other than those of its own making. Only as a consequence of such independence can the little magazine continue to control an important sector of a literary scene where, more and more, *avant-garde* and Establishment seem to blend, and lose themselves in one another. It is the classic role of the little magazine to be daring and irreverent, and perhaps the largest problem faced by the uninstitutionalized little-magazine editor is the greater tolerance of the public and, as a consequence, the big-circulation journals, to material that earlier might never have seen print but for the existence of little magazines. Again it is success, of a slightly different sort, that has become a threat, and good writers are hard to find for *New Departures* or *The Independent* because their material is being purchased by the editors of *Esquire* or *Mademoiselle.*

Under such circumstances, the little magazine is often forced to cultivate real eccentricity in order to find untenanted editorial ground. We get, in consequence, not only the Organization Man magazines mentioned by Mr. Pollak, but extreme instances from the other end of the scale. When the *Chicago Review,* like the *Beloit Journal,* ran into trouble with its university, editor Irving Rosenthal bolted for greater independence with a new venture, *Big Table.* At about that time I received a letter from him announcing that he was no longer interested in short stories; he wanted "a revelation, a confession, a confrontation, a truth, an experimentation, an avowal, you get what I mean." Amusingly put, of course; but this, I submit, is the true little-magazine atmosphere, and through such an atmosphere one may still hope for the kind of freshening of the literary air that little magazines have provided in the past.

The International Guide presents not only a listing of magazines and essential information for potential contributors, but a colorful and neatly balanced evocation of the whole field, allowing editors to speak for themselves, about their magazines and about their own personalities if they wish. Here one finds such bulwarks of respectability as *The Kenyon Review* nestling between the Japanese magazine *Kast* ("issued irregularly") and a journal for sexual deviants called *The Ladder.* Next door to the *Italian Qurterly,* supported by the University of California and emphasizing "critical writings on any aspect of Italian culture," we have *It Is,* "founded in 1958 by Second Half Publishing Co., Inc.," and featuring "exclusive *avant-garde* — no ads. — no editorials — no reviews — no critics (there are enough of these). . . ." The sole criterion for inclusion in the *Guide* seems to have been a modest-size circulation, with the *Evergreen Review* drawing the top line with an established 25,000 and *Elegreba,* an English tri-yearly of sixteen pages, reporting only that circulation is "bloody low."

Paper-bound, nicely printed, the ninety-two pages of the *Guide* make fascinating reading, not only for the unestablished or far-out writer who hopes to contribute a "one-minute play" to *Experiment,* or an "eye poem" to *Eye Poems* ("the magazine contains *no text* other than author index"), but for anyone interested in that sub-world of publishing from which, it is said, four-fifths of our public talents have come.

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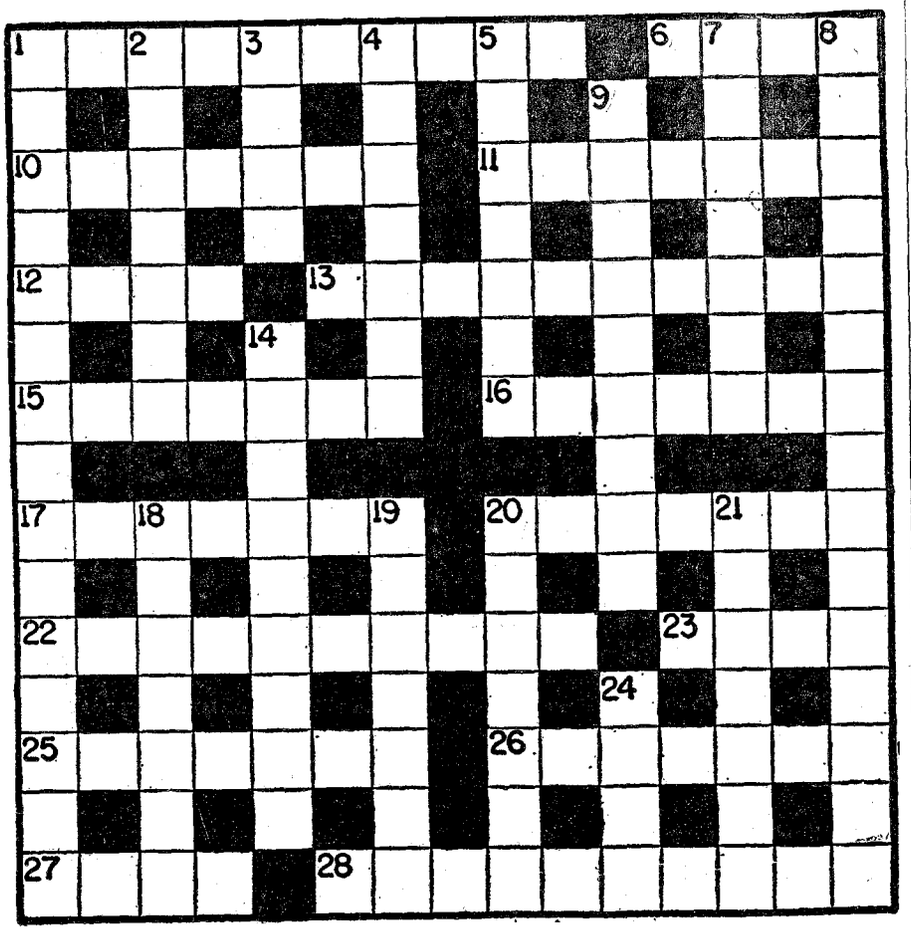
Crossword Puzzle No. 881

By FRANK W. LEWIS



ACROSS:

1 See 9 down
6 See 3 down
10 and 27 Proverbially weaker opposite the spear. (7, 4)
11 The province of a broken bat in 12, perhaps. (7)
12 Genuine old Spanish money! (4)
13 Expanding travel might be. (10)
15 Don't speak to the girl! (The boarder might have recognized the point of it.) (7)
16 Might be wanted in the search of copper. (7)
17 If force is required, is he responsible? (7)
20 His humor might have a sound basis. (7)
22 Not quite ready to employ a one-man jury, possibly. (10)
23 A short poem not allowed in the music hall? (4)
25 Dialect found in Charleston. (7)
26 Spot pot tops? (Theirs is usually an open and shut case.) (7)
27 See 10 across
28 My casting's bad, but the side horse is part of it. (10)

DOWN:

1 Not straightforward flying saucers, evidently. (8, 7)
2 Grey's prospect of Eton. (7)
3 and 6 across The way to trim one's sail on California rocks, perhaps. (8)
4 Makes a standard spread. (7)
5 Old sacred images of a rocky place to sailors. (7)
7 See 20 down
8 Musically found on Tenth Avenue with theater audiences in shambles. (15)
9 and 1 across Gable's sin? It's good surprising! (1, 8, 2, 8)
14 One of D'Artagnan's boasts, no doubt. (9)
18 A plain description of America the Beautiful. (7)
19 Blood ties with uneasy heads. (7)
20 and 7 down APAXD, according to Chamberlain? (5, 2, 3, 4)
21 Where there is an all-out procedure on the line? (7)
24 Do they come out for Socialist? (4)

SOLUTION TO PUZZLE NO. 880

ACROSS: 1 Blow, Bugle, Blow; 10 Toadies; 11 Mooring; 12 Antiknock; 13 Drips; 14 Orders; 16 Inundate; 19 Deadbeat; 20 Ingest; 22 Jehol; 23 Patagonia; 25 Carrier; 26 Leaflet. DOWN: 2 Least; 3 Whisky Rebellion; 4 Upshot; 5 Lambkins; 6 Brobdingnagians; 7 Originate; 8 and 27 It's an Old Spanish Custom; 9 Ages; 15 Deathtrap; 17 Entr'acte; 18 Ramparts; 21 Italic; 22 Jack; 24 Nullo.

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September 1, 1960

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(Signed) A. Stephen Boyan, Jr.

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